

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
OCTOBER 10, 2019**

Mayor Selen called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:32 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.

The Chatham Township Fire Department and Green Village Fire Department posted the Colors and led the Flag Salute.

Roll Call

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

Approval of Agenda

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

Proclamations, Awards and Honoring Resolutions

Fire Prevention Week

Mayor Selen read aloud the attached proclamation for Fire Prevention Week.

The proclamation was received by both the Chatham Township and Green Village Fire Departments.

Honoring John Nachtigal

**RESOLUTION 2019-182
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, HONORING JOHN
NACHTIGAL**

WHEREAS, John Nachtigal was first appointed to the Board of Health in April 2003 to fill a vacancy; and

WHEREAS, in 2004 Mr. Nachtigal was selected to serve as Vice-President for the Board, a capacity in which he served for eight years; and

WHEREAS in 2012 Mr. Nachtigal was selected to serve as Board President, and has continued to serve in that role through 2019; and

WHEREAS, during Mr. Nachtigal's time on the Board of Health, he has offered invaluable guidance in the review of septic applications, advocated for responsible restrictions on noise violations, and brought attention to a variety of public health issues; and

WHEREAS, Mr. Nachtigal also had a career as Health Administrator in Morris Township; and

WHEREAS, Mr. Nachtigal has announced his resignation from the Board of Health after 17 years of dedicated service to the residents of Chatham Township; and

WHEREAS, the Township is grateful to Mr. Nachtigal's wife and children for sharing his time and talents with us as he helped make Chatham Township a great place in which to live and raise a family.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham honors and recognizes John Nachtigal for his dedicated, devoted service

and calls upon the citizens of Chatham Township to join in expressing our heartfelt gratitude and best wishes to him as he enters the next chapter of his life.

Mayor Selen read aloud the resolution honoring Mr. Nachtigal.

Mr. Nachtigal thanked the Township Clerk for his service as Registrar and as Board of Health Secretary. He also noted the work of former Township Clerk Joy Wiley who held the same role. Mr. Nachtigal also commented on the need for public servants to put personal agendas aside and work together, and he said that serving on the Board was his favorite volunteer opportunity.

Committeewoman Swartz moved to adopt Resolution 2019-182. Deputy Mayor Kelly seconded the motion.

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

Committeewoman Swartz said that it was a great pleasure to serve alongside Mr. Nachtigal when she was the liaison to the Board of Health, and she thanked him for his service.

Breast Cancer Awareness Month

Mayor Selen read aloud the attached proclamation for Breast Cancer Awareness Month.

Committeewoman Swartz spoke on behalf of the Barnabas Health Ambulatory Care Center, and commented on the screening options available.

Committeewoman Ness commented on the need to address women's healthcare issues and to seek better access to healthcare options.

Committeewoman Swartz accepted the proclamation and stated that she would share its contents with the Barnabas Health staff.

Reports

Committeewoman Swartz reported that the Senior Center's Shred-Event is scheduled for October 19th from 9:00 AM to 12:00 PM. She also reported that the John Taylor Babbitt Foundation recently donated 7 AEDs to the Chatham Township Fire Department. Committeewoman Swartz also noted that the Chatham Township Fire Department will be hosting an Open House on October 13th at 11:00 AM. Regarding the Department of Public Works, Committeewoman Swartz said that various projects are underway, including field maintenance and improving the Shunpike Field gathering area. She also reported that she, Administrator Hoffmann and Engineer Ruschke met with representatives of PSE&G regarding improvements to be made to their latticework in 2021.

Mayor Selen recognized the presence of Tom Salvas, a trustee for the Historical Society of Chatham Township, and thanked him for his service to the Historical Society.

Committeewoman Ness gave a report on the 2019 Colony Pool Season, and said that there was a 7% increase in membership. The Colony Pool Committee met with Administrator Hoffmann and discussed ways to cut landscaping and marketing costs. Committeewoman Ness reported that the Communications Committee will be meeting to go over upgrades to the Police Department website. She also reported that she attended the Great Swamp Watershed Association Gala, and Chatham Township was recognized for efforts to reduce plastic bag use. Committeewoman Ness further reported that PSE&G reached out to provide an update about upcoming vegetative maintenance work.

Deputy Mayor Kelly reported that the Community Garden is approaching the end of harvest season. Planned upgrades at the Community Garden include a new fence. Deputy Mayor Kelly also said that plots are available for 2020. Deputy Mayor Kelly further reported that the Municipal Alliance is still addressing a variety of issues, and has lately been addressing vaping.

The Township Clerk reported that the annual Flu Shot Clinic will be held on October 16th from 1:30 PM to 3:00 PM at the Municipal Building's gym. He further reported that the annual Rabies Clinic will be held on November 2nd from 9:00 AM to 10:00 AM at the Public Works Garage. Committeewoman Swartz added that there are additional flu shot clinics available, and that Chatham Township residents can get a flu shot at any of the clinics run by the Madison Health Department.

Engineer Ruschke reported that two public hearing sessions for the Safe Routes to School Grant for Lafayette Ave and Spring Street will be held on October 16th, one at 1:00 PM and one at 7:00 PM. Committeewoman Swartz asked about notification of the hearing. Engineer Ruschke said that letters were sent to the affected property owners, and the hearings were advertised.

Administrator Hoffmann reported that IT bid specs are available, and the bid opening will be on October 30th. A non-mandatory walk-through of the Township's facilities will be held on October 16th. Administrator Hoffmann further reported that the Township will have to file the Best Practices Inventory by the end of October. He said that each year municipalities have to file the Best Practices survey, and the State may withhold State Aid from municipalities if they do not meet a certain score. Administrator Hoffmann further said that the State requires that the Best Practices be discussed at a governing body meeting. Regarding PSE&G's maintenance program, Administrator Hoffmann said that a notice was received about the 2020 vegetative maintenance in right-of-ways. A meeting with vegetation managers has been requested to discuss the project's details. Administrator Hoffmann noted that today is the 175th anniversary of the founding of the US Naval Academy.

Mayor Selen offered his mobile number for residents to contact him, and noted that he is available to meet with residents on Saturday mornings at Dunkin Donuts.

Hearing of Citizens

Mayor Selen opened the Hearing of Citizens.

1. Jessica Romeo, 49 Pine Street, said that she recently spoke on a panel at ANJEC's Environmental Congress. She said that Commissioner McCabe of the DEP congratulated NJ municipalities for addressing environmental issues. Mrs. Romeo also said that the Green Team is soliciting new members, and interested residents can reach out to the Township Clerk.
2. Dan Miller, 465 Green Village Road, said that he maintains his property in an environmentally friendly way, and he hopes bicycle riders will stop littering. Mr. Miller further asked what the Township is doing to make sure that the County maintains the Kirby Open Space Property. Mr. Hoffmann said that the matter has not been settled yet. Mr. Miller said that the County has made excuses in the past, and this was a good year for the property to be cleaned up. He further noted that the property was expensive, and there is not a lot of public access to it.
3. Rez Estevez, 126 Southern Boulevard, asked for an update on affordable housing. She asked that the Township Committee begin the public disclosure process so that the public can attempt to understand what will be done to meet the Township's obligation. Mrs. Estevez also asked if the Township has to fund the building of affordable housing or simply allow for development of affordable housing through zoning regulations. Attorney Cruz said that municipalities have options available. He said that the Township Committee entered into a settlement agreement in December 2018, which was approved by the Superior Court in February 2019. Attorney Cruz said that the settlement agreement stipulates that 24 units will be built at the Skate Park site, and 74 units will be built on a site to be determined. Mrs. Estevez asked if the Township has to build the units or allow for them through zoning. Attorney Cruz said that if a development is 100% affordable units, the Township will be a sponsor of the development. Mrs. Estevez asked if the Township would not have to fund the development. Attorney Cruz said that the Township will have to participate in the funding. He also clarified the difference between inclusionary development compared with municipally sponsored development.

4. Stewart Carr, 3 Crestwood Drive, asked if he could address the plastic bag ordinance. Mayor Selen said that discussion on the ordinance will need to wait for that public hearing. Mr. Carr said that the heated discussion on the matter was a benefit to the Township. He also asked about the Capital Budget, and the bond anticipation notes. Administrator Hoffmann said that he received an email from Mr. Carr with various financial questions, and he will respond to those questions by email. Mr. Carr asked about paying down the Township's debt at a faster pace. Administrator Hoffmann said that the Township is at the beginning of the budget preparations for 2020, and said that he wants to have the proper information available when responding to Mr. Carr's questions. Mr. Carr asked if there are updates to the five year plan.

5. Genevieve Castelino, 104 Ormont Road, said that she appreciates the debate that occurs at Township Committee meetings. She also inquired about a letter to the editor she recently read about a recent Planning Board meeting at which two recently introduced ordinances were discussed. Attorney Cruz said that questions of the Planning Board should be addressed at a Planning Board meeting. He also summarized the ordinances that were recently introduced. Attorney Cruz also noted that the pending ordinances are amendments to ordinances adopted in 2008 and 2009. He also addressed how developer fees will be used. Mrs. Castelino asked if developer fees have been collected. Attorney Cruz said they have not. Mrs. Castelino asked if a developer fee would be assessed if 3000 square feet are added to a house. Attorney Cruz explained the cubic feet calculation, and noted that there is an exemption for situations where a house is rebuilt due to fire or storm damage. Attorney Cruz also said that he has not yet received the report from the Township Planner regarding the Master Plan consistency review. Mrs. Castelino said that the information in the letter to the editor came as a surprise. Attorney Cruz said that prior to introduction of the ordinances, he explained their purpose. Committeewoman Swartz noted that the Planning Board is subject to the Open Public Meetings Act, and the agendas are posted on the Township website. Mrs. Castelino said that in the past, agendas have been posted on the Township's Facebook page. The Township Clerk said that the Township website is the appropriate source for Township meeting agendas rather than social media.

Committeewoman Ness noted that letters were sent to the members of the Township Committee from residents regarding the Planning Board's proceedings, and noted that the report of the Township Planner has not yet submitted his report. Attorney Cruz said that the Township Committee should base their comments on the official report of the Township Planner.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2019-17

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.

Mayor Selen opened the Public Hearing on Ordinance 2019-17.

1. Anna Van Wie, 36 Elmwood Avenue (Chatham Borough), spoke on behalf of the Chatham High School Green Team. She said the Green Team has the goal of promoting sustainable habits and reducing the use of plastic. Ms. Van Wie said that plastic bottles are no longer sold in the Chatham High School cafeteria. Ms. Van Wie further addressed steps that can be taken to protect the environment.
2. Naila Ismail, 15 Parrott Mill Road (Chatham Borough), co-president of the Green Team, said that her project for her Girl Scout Gold Award is a plastic bag recycling initiative. She provided information about micro-plastics in waterways and the need to recycle plastic bags.
3. Braydon Mellina, 91 Westminster Road, said that young people are more technologically advanced than the Township Committee members. He advocated for protecting the environment, and said that this ordinance is part of that process.
4. Jane Devlin, 420 River Road, read into the record a letter from a friend in support of Ordinance 2019-17. She also said that people are stewards of the Earth, and the environment should be protected. Mrs. Devlin also addressed the need for civility in public discourse.
5. Ann Worden, 30 Floral Street, read letters from her students at Lafayette Avenue School in support of Ordinance 2019-17.
6. Stewart Carr, 3 Crestwood Drive, said that while he agrees philosophically with Committeewoman Swartz that people should be able to police their own actions, he also thinks that people are too irresponsible when it comes to plastic bags and he believes the ordinance is necessary. Mr. Carr also thanked Mrs. Romeo for her efforts on the ordinance.
7. Adam Palmer of the Great Swamp Watershed Association spoke in favor of the ordinance.
8. Marilyn Murray, 182 Lafayette Avenue, said that plastic particles in the ocean are from laundry rather than from plastic bags. She also said that most of the plastic bags in the ocean are from Asia and Africa.
9. Dan Miller, 465 Green Village Road, addressed the need to have business owners participate in the discussion on the plastic bag ban. He also addressed the potential financial impact of the ban on senior citizens.
10. Rez Estevez, 126 Southern Boulevard, said that she has an Environmental Science degree from Rutgers. She proposed that the vote on the ordinance be postponed, and said that the sale of thicker plastic bags will increase if plastic shopping bags are banned. Mrs. Estevez also addressed the potential environmental impact of using paper bags and cloth bags. Mrs. Estevez also said that the business community should be consulted and more discussion is needed.
11. Christina Mott, 22 Nicholson Drive, said that Chatham Township cares about the environment. She also said that the long-term effects of ingesting micro-plastics are unknown. Mrs. Mott also addressed climate change in New Jersey. Mrs. Mott further addressed the recycling mandates on the MUA website, and that plastic bags should not be used for collecting yard waste. She also said that recyclables can only be placed in a

plastic bag when shredded paper is put in a clear plastic bag, and also said that the ordinance will help prevent misuse of plastics.

12. Bonnie Saun, 543 Fairmount Avenue, said that she is glad the Township Committee is considering prohibiting plastic bags, and she addressed the environmental impact of plastic bags. Ms. Saun also addressed the long-term benefits to switching from using plastic bags, and encouraged the Township Committee members to vote in favor of the ordinance. She also said that people will be able to adapt to using other types of bags.
13. Jessica Romeo, 49 Pine Street, said that the ordinance was not hastily drafted. She noted that a presentation was made to the Township Committee on the concept at the June 27th meeting, and the draft was available in early September. Mrs. Romeo also described the work group with representatives from 13 towns that worked on the draft, noting that having comparable regulations in several towns will allow businesses to adjust to consistent regulations. Mrs. Romeo also noted that Whole Foods, Costco and Trader Joe's do not use plastic bags, and opined that ShopRite will not be driven out of business by a plastic bag ban. She also said that the Township's drinking water comes from the Passaic River, and there are micro-plastics in the water from that river.
14. Peggy Melvin, 55 Nicholson Drive, said that education is not an effective way to address the plastic bag concerns, and spoke in favor of the ordinance.

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

Mayor Selen thanked all the youth who participated in the discussion on this matter.

Committeewoman Swartz moved to table discussion on Ordinance 2019-17. The motion was not seconded.

Committeewoman Ness moved to adopt Ordinance 2019-17. Deputy Mayor Kelly seconded the motion.

During the discussion on the ordinance, Committeewoman Swartz said that she presented some proposed amendments to Attorney Cruz. Attorney Cruz said that he circulated the proposed amendments to the Township Committee for consideration, and a motion would be needed to make the amendments. Committeewoman Swartz stated her concerns about several Whereas clauses in the ordinance. She also said that her opposition to the ordinance does not equate with a desire for plastic bags to be used with wanton disregard for the environment. She also said that not all plastic bags are wasteful, and raised a concern about the fee for bags. Committeewoman Swartz also said that ShopRite's corporate office had not been contacted to provide input on the ordinance, and she said they are losing sales in towns that have enacted bans on plastic bags. She also opined that the public support for the ordinance indicates the lack of need for the ordinance. Committeewoman Swartz also addressed litter from fast food restaurants.

Attorney Cruz reviewed the deletions proposed by Committeewoman Swartz. He also said that clarification is needed as to the point-of-sale. Committeewoman Swartz said that with the proliferation of self-checkout registers, she wants to know how bags will be handled in those situations. Attorney Cruz said that there is normally someone at the self-checkout area to assist customers.

Committeewoman Swartz moved to amend Ordinance 2019-17. The motion was not seconded.

Deputy Mayor Kelly said that the opinions offered by the public have been overwhelmingly in favor of the ordinance. He also said that the three members of the audience who offered objections to the ordinance wanted more education and business involvement, but did not indicate any lack of concern regarding litter and pollution. Deputy Mayor Kelly also said that the work group addressing this matter has been working for 11 months, and the ordinance was not developed hastily. He also said that he received an email from an executive at Wakefern which acknowledges receipt of an advance copy of the draft ordinance. Deputy Mayor Kelly also noted that Wakefern made a donation to the recent Sustainability Fair. He further pointed out that amending the ordinance too much would make it inconsistent with the ordinances being considered by neighboring towns, which would make things more difficult for businesses.

Deputy Mayor Kelly also said that the ordinance is the right thing to do. He further cited the litter cleaned by the Environmental Commission during its river cleanup events as evidence that a lot of people are not making smart choices.

Committeewoman Ness commented on the Township's history of environmental stewardship, and pointed out that the potential health risks of micro-plastics in the water are unknown. She also noted that a significant portion of the Township's land is in the Great Swamp, and the Master Plan has a goal of conservation of waterways through regulation and education.

Committeewoman Swartz said that ShopRite has indicated that their revenues have been reduced in stores where municipalities have enacted plastic bag bans. She also said that she reached out to the office of Senator Codey, and statewide legislation is being developed to address this issue so that any regulations will be consistent statewide.

Mayor Selen said that he consulted with his family members on this ordinance. He said that his wife is a business owner, and her only concern was that she had recently ordered plastic bags and would not want to be stuck with bags that cannot be used. Mayor Selen also commented on a meeting he had with the owner of ShopRite, and the concern represented as that regulations will vary from town to town. He also commented on the issue of fees for bags. Mayor Selen also said that he spoke with Senate President Steve Sweeny, who represented that there is a bill in the State Senate regarding plastic bags.

Mayor Selen called for a vote on the motion regarding the adoption of Ordinance 2019-17.

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

Consent Agenda

RESOLUTION 2019-190

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$961,428.13 and the prior month's payroll of \$425,864.07 Current Fund, \$42,086.95 Sewer No. 1, \$7,838.00 Sewer No. 2, and \$17,644.29 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2019, in the amount of \$3,200,207.00 be paid.

RESOLUTION 2019-191

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 26, 2019.

RESOLUTION 2019-192

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 26, 2019.

RESOLUTION 2019-193

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH TILCON NEW YORK, INC. FOR THE LONG HILL NEIGHBORHOOD RESURFACING PROJECT (2018 MUNICIPAL AID)

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to Tilcon New York, Inc. through the 2018 Morris County Cooperative Pricing Council for the Long Hill Neighborhood Resurfacing Project (2018 Municipal Aid) in the amount of \$218,174.50;

WHEREAS, the contracted work was performed and completed by Tilcon New York, Inc. in September, 2019.

WHEREAS, the as-built amount completed and billed by Tilcon New York, Inc. is \$212,460.68, a decrease of \$5,713.82 from the awarded contract.

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 Change Order amending the final Contract amount to \$212,460.68.

**RESOLUTION 2019-194
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH TILCON NEW YORK,
INC. FOR 2019 ROAD RESURFACING**

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to Tilcon New York, Inc. through the 2019 Morris County Cooperative Pricing Council for the 2019 Road Resurfacing Project in the amount of \$241,342.50;

WHEREAS, the contracted work was performed and completed by Tilcon New York, Inc. in September, 2019.

WHEREAS, the as-built amount completed and billed by Tilcon New York, Inc. is \$231,848.96, a decrease of \$9,493.54 from the awarded contract.

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 Change Order amending the final Contract amount to \$231,848.96.

**RESOLUTION 2019-195
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH TILCON NEW YORK,
INC. FOR 2018 ROAD RESURFACING – PHASE I.**

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to Tilcon New York, Inc. through the 2018 Morris County Cooperative Pricing Council for the 2018 Road Resurfacing – Phase I Project in the amount of \$173,269.95;

WHEREAS, the contracted work was performed and completed by Tilcon New York, Inc. in September, 2019.

WHEREAS, the as-built amount completed and billed by Tilcon New York, Inc. is \$142,843.80, a decrease of \$30,426.15 from the awarded contract.

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 Change Order amending the final Contract amount to \$142,843.80.

**RESOLUTION 2019-196
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 |
|--|-------------------|-------------------|---------------|
| New Cingular Wireless c/o Judith Fairweather, ESQ Pinilis Halpern LLP 160 Morris Street Morristown, NJ 07960 | BOA 15-95-18.01 | 7763179825 | \$600.00 |
| Reo Development LLC 26 Farmhouse Lane, 2B Morristown, NJ 07960 | PlanBd 15-62.12-1 | 7763179718 | \$3.75 |
| Vogel, Chait, Collins & Schneider PC – Attys for NYSMA LLP | | | |

| | | | |
|--|------------------|------------|----------|
| 25 Lindsley Dr., Suite 200 Morristown, NJ 07960 | BOA 15-48.14-110 | 7763179601 | \$377.50 |
| Green Village Garage 526 Green Village Road Green Village, NJ 07935 | BOA 16-139-57 | 7764128269 | \$262.50 |
| Oak Knoll School c/o Christopher Stracco, Esq 1 Jefferson Road Parsippany, NJ 07054 | PlanBd 17-144-33 | 7764128384 | \$83.75 |
| Patrice Penda 1325 Adams St #405 Hoboken, NJ 07030 | BOA 18-55-5 | 7764128748 | \$497.75 |
| George & Debra Hatzinas 6 Cedar Lane Chatham, NJ 07928 | BOA 18-60-3 | 7764128855 | \$456.50 |
| New Cingular Wireless c/o Judith Fairweather, Esq Pinilis Halpern LLP 160 Morris Street Morristown, NJ 07960 | BOA 15-95-18.01 | 7763179312 | \$453.00 |

**RESOLUTION 2019-197
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE GRASS SEED FOR THE TOWNSHIP'S LAWNS AND
ATHLETIC FIELDS**

WHEREAS, the Township of Chatham adopted Resolution 2019-160 and entered into an agreement with Lincoln Landscaping Inc., for the purpose of sustainable weed control and maintenance of municipally owned lawns and fields for the second half of calendar year 2019; and,

WHEREAS, on an annual basis the aeration and seeding of selected municipal fields has been completed in the fall; and,

WHEREAS, to ensure consistency of weed control and maintenance of all Township owned fields and lawns, aeration and seeding was conducted at all locations September 26th and September 27th; and

WHEREAS, Lincoln Landscaping's purchased, at cost and without mark up on behalf of the Township, seventy-two (72) bags totaling 3,600 pounds of various seed blends for use on the fields and lawns; and

WHEREAS, the cost of the seeding of all the athletic fields and lawns was not part of the Lincoln Landscaping proposal dated June 23, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves the purchase of the grass seed used on the Township athletic fields and lawns for a total cost of \$11,025.00.

Committeewoman Swartz thanked Engineer Ruschke for overseeing the road repaving projects.

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

Colony Pool 2019 Season Report

Administrator Hoffmann reported that the total net revenue for Colony Pool in 2019 was \$161,773.50 which accounts for two refunds. The total operating expenses were \$352,073.74 which means that the 2019 Operating Budget subsidized Colony Pool by \$190,300.24. Administrator Hoffmann noted that much of the cost involves the work performed by DPW to prepare the facility before opening day. \$13,073.14 was saved by hiring two summer staff

employees to perform maintenance rather than having DPW do the cleaning at the site on overtime. Administrator Hoffmann said that if the membership continues to grow by 7%, then the Contribution from the operating budget to run Colony Pool will be decreased. In 2020 the Colony season will be 7 days longer. Administrator Hoffmann said that with the new minimum wage law, there will be an anticipated cost increase of approximately \$11,000 based on current staffing levels. He also thanked the staff at Colony Pool for their hard work. He further noted that some of the costs for the 2019 season were part of the cleanup response to the June micro-burst. After the pool closed for the season, a paved walkway around the perimeter of the site was completed, and a shed was re-roofed due to a mold issue.

Committeewoman Swartz asked about the decrease in DPW man hours from 2018 to 2019. Administrator Hoffmann said that it results from having summer staff handle cleaning rather than having DPW come in on overtime to clean the facility. He said that the same work was performed by pool summer staff members as would have been performed by DPW. Committeewoman Swartz also asked about open houses. Committeewoman Ness said that an open house was held in the beginning of the season. She also said that an open house was considered at the end of the season, but it was not held because traditionally a lot of guest fees are collected at the end of the season. Committeewoman Swartz asked about having a discounted rate at the end of the July. Committeewoman Ness said that the concern is that people would then wait until mid-summer to join rather than paying for a membership for the full season. Committeewoman Swartz also asked about a food vendor for 2020. Administrator Hoffmann said that hopefully the Meat House will want to come back.

Committeewoman Ness thanked Administrator Hoffmann for preparing an analysis of the costs and revenues for Colony Pool, and this analysis can serve as a benchmark for future years. She also said that municipal pools are often not revenue generators. Committeewoman Ness said that additional programs can generate revenue, and additional cost savings can be found. She also asked about necessary repairs for the sprinkler system and lawn maintenance. Administrator Hoffmann said that he and DPW Director Rich Young have been in touch with a potential contractor. Committeewoman Ness thanked Administrator Hoffmann for taking care of that, as complaints had been received about the rocky areas. Committeewoman Ness also addressed the quality of the sand used over the past few years, and pool users responded in a survey that the water has had more silt due to the sand quality.

Hearing of Citizens/Petitions

Mayor Selen opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, said that he has often had to contact the County directly about maintenance of the Kirby Property, and he asked why Administrator Hoffmann has not provided a response. Mr. Miller also said that the Township should not be afraid to stand up to the Morris County Department of Parks and Recreation for fear of not getting future grants. Mr. Miller further asked about sewer fees collected, and if a portion of Administrator Hoffmann's salary is offset by sewer utility fees. He further said that installation of septic systems is both expensive and destructive to property.
2. Rez Estevez, 126 Southern Boulevard, addressed the threshold for developer fees on home renovations, and claimed that the fee is a tax. Mrs. Estevez also said that the model ordinance for developer fees does not need to be adopted verbatim.

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

Administrator Hoffmann said that an executive session is not necessary, and the items on the agenda can be handled at a future meeting.

Committeewoman Swartz moved to adjourn at 11:06 PM. Deputy Mayor Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk