

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
NOVEMBER 13, 2014**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:35 PM.

**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 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

**Roll Call**

Answering present to the roll call were Committeewoman Abbott, Committeeman Brower, Committeeman Gallop, Deputy Mayor Ritter and Mayor Sullivan.

**Approval of Agenda**

Administrator Ciccarone asked that a discussion item be added for a change-order for the generator element of the WPC1 project.

The Agenda was approved as amended.

**Announcements**

Mayor Sullivan acknowledged the Veterans Day Holiday, noting that it was originally observed as Armistice Day. He expressed his thanks to all veterans, past and present, for their service.

Mayor Sullivan also announced that the Morris County Freeholders granted the Township's full request for a \$10 million grant from the Open Space Trust Fund for the purchase of a portion of the Giralda Farms Property in the Township. He said that many partnering organizations were involved, and the property will be used for an extension of the Loantaka Brook Reservation trails. Mayor Sullivan also said that the property would likely have been developed residentially had it not been sought for open space purposes.

Committeewoman Abbott noted that the purchase of the property will be a great investment, and will be well used for the expansion of the Loantaka Brook Reservation trails. Deputy Mayor Ritter recognized Mayor Sullivan, Administrator Ciccarone, Attorney Cruz and Open Space Chairman Joe Basralian for their work on this project. Committeeman Gallop recognized former Mayor Sue Hoag for her efforts over the years regarding open space acquisition.

**Proclamations**

**Pancreatic Cancer Awareness Month**

Mayor Sullivan read aloud the attached proclamation for Pancreatic Cancer Awareness Month. Mr. Dennis Salko from the Pancreatic Cancer Action Network was present to receive the proclamation. Mr. Salko thanked the Township for supporting this cause.

**Chatham Turkey Trot**

Deputy Mayor Ritter read aloud the attached proclamation for the Chatham Turkey Trot. He said that anyone wishing to participate can still register at <http://www.thechathamturkeytrot.org/>.

## Pilgrim Pipeline Request

### RESOLUTION 2014-212

#### RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, OPPOSING THE PILGRIM PIPELINE

**WHEREAS**, Pilgrim Pipeline Company (“Pilgrim”) is proposing to build a bi-directional pipeline through the Township of Chatham that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

**WHEREAS**, the proposed project will have a detrimental impact on tax revenue of the Township of Chatham based upon a decline in the property values along and adjacent to the new pipeline and surrounding neighborhoods as a direct result of the project; and

**WHEREAS**, the Pilgrim Pipeline raises significant safety concerns for the Township of Chatham, as well as harm to municipal and county infrastructure, and a negative impact upon future growth in the community; and

**WHEREAS**, September 3, 2014 marked the 50<sup>th</sup> Anniversary of the signing of the Department of Interior Wilderness Act and setting in motion the establishment of the Great Swamp National Wildlife Refuge, the first Wildlife Refuge in the nation, and

**WHEREAS**, numerous Township residents played a pioneering role in establishing the Great Swamp National Wildlife Refuge and over the 50 year history have helped it grow from 2,600 acres to 7,800 acres, donating land, funds and countless volunteer hours to create a national treasure; and

**WHEREAS**, the Township has championed conservation efforts and the projected path of the Pilgrim Pipeline, traverses the heart of the Township with a portion running parallel to the Great Swamp increasing the risk of contamination to the watershed, and

**WHEREAS**, the inability to mitigate the dangers that this Pipeline poses to our environment as well as our community, we the Township Committee have tremendous reservations and concerns about the ability for this Pipeline to endanger the health, safety and welfare of our citizens, families, property and environment;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, that the Township Committee opposes the proposed Pilgrim Pipeline, and calls for a moratorium on any and all planning, surveying or construction of the Pilgrim Pipeline through the Township of Chatham and because this Pipeline will traverse and negatively impact numerous significant natural areas and the resources of the municipality and the Great Swamp National Wildlife Refuge, the Committee requests a full environmental review be conducted by the New Jersey Department of Environmental Protection to assess the myriad environmental consequences of the project.

**BE IT FURTHER RESOLVED**, that the request of Pilgrim Pipeline Company, dated October 16, 2014, to conduct a preliminary survey, as well as environmental and archeological studies on Township of Chatham properties is denied.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to Congressman Rodney Frelinghuysen, Governor Chris Christie, Senate President Steven M. Sweeney, State Senator Richard J. Codey, Assemblyman John McKeon, Assemblywoman Mila Jasey, all Morris County municipalities and the Morris County Board of Chosen Freeholders.

Mayor Sullivan said that he has met with a representative from Pilgrim Pipeline Holdings, LLC, and he explained that they have requested permission to survey certain Township-owned properties as part of their proposal for running a pipeline through the area. He further explained that the proposal is to run a pipeline for crude oil from Albany, NY to Linden, NJ. In NY State, the pipeline would run along the NY Thruway, however the NJ DOT does not want the pipeline to run along highways in NJ. Mayor Sullivan also noted that the request from Pilgrim Pipeline to perform the survey along the right-of-way would only affect one residential property, but six Township-owned properties would be directly affected. Furthermore, Mayor Sullivan has spoken with Congressman Frelinghuysen, and he was not in support of the tactics that Pilgrim Pipeline are using to perform their request. Committeeman Gallop also spoke with Congressman Frelinghuysen, and the Congressman does not support the Pilgrim Pipeline project. Additionally, Mayor Sullivan said that the FERC can override municipalities for utility lines, however this pipeline would not be a utility pipeline. Pilgrim Pipeline also does not currently have the necessary DEP approvals or permits that they would need for this project to go forward. They also claim that there is not any alternate route available.

Mayor Sullivan read aloud the above resolution, which was met with applause from the members of the public in attendance at the meeting.

Mayor Sullivan turned the floor over to Katey DePinto to address the request from Pilgrim Pipeline. Mrs. DePinto gave some background on the grassroots opposition to the proposed

project. She noted that the Chatham Borough Council has voted against the project. She also stressed that there are not any benefits to this project, and there are only risks.

Committeewoman Abbott said that surface transport of crude is safer than moving it by means of pipelines. She also addressed the risks that the pipeline would pose to the Township's water supply, which comes from the Passaic River. Committeewoman Abbott also stressed that the pipeline presents a danger to all of New Jersey.

Committeeman Gallop addressed the dangers of building a crude oil pipeline next to an aging natural gas pipeline. He also asked that the draft of the resolution have stronger language to stress that the pipeline "will" be a danger rather than "may" be a danger.

Committeeman Brower provided some historical perspective on the efforts to prevent a jetport being build in the Township back in the 1960's. He stressed that the grassroots effort will need to continue lobbying in order to prevent the construction of the Pilgrim Pipeline.

Deputy Mayor Ritter expressed his pleasure in seeing a grassroots effort develop to confront this issue.

Mayor Sullivan opened the floor to the public.

1. Richard Matlaga, 36 Dale Drive, thanked the Township Committee for the above resolution. He also noted that the resolution is the first step in a journey to preventing the construction of the pipeline. He also emphasized that there is a lot of risk involved with the proposed pipeline.
2. David Workman, 19 Susan Drive, said that he would not have moved to Chatham Township if the pipeline project were going on at the time that he moved here. He also cited that Pilgrim Pipeline is a private company out to make money, and he said that problems with pipelines are not always visible. Mr. Workman also asked about the company's ability to use eminent domain as a tactic. Attorney Cruz said that at this time, Pilgrim Pipeline does not have eminent domain as an option.
3. Diane DuBrule, 17 Pine Street, stressed that more effort will be necessary to stop the Pilgrim Pipeline, and she thanked the Township Committee for the resolution opposing the proposal.
4. Tracey Ness, 31 Geoffrey Court, asked if the proposal was considered the best route by the NJDEP. Mayor Sullivan said that Pilgrim Pipeline claims that the DEP has expressed that opinion, but the Township has not been told so directly by the DEP. Mrs. Ness mentioned that the DEP has in the past held up applications for reconstruction of fields in areas where fields already existed.
5. Laura Ali Nonnenmacher, 744 Fairmount Ave, said that more communication is needed on this issue. Administrator Ciccarone explained that the delay in forwarding the request from Pilgrim Pipeline to the Township Committee is that there was not any hurry to be of any help to them.
6. Brendan Keating, 2 Garden Place (Chatham Borough), expressed a desire to continue the momentum opposing the Pilgrim Pipeline. Mayor Sullivan said that the request from Pilgrim Pipeline thus far is to survey certain Township properties, which will be denied upon the passage of the above resolution. Deputy Mayor Ritter encouraged the enthusiasm of the grassroots effort to continue.
7. Joseph Basralian, 24 Fairfax Terrace, said that he would not have moved to Chatham Township if it meant living near a crude oil pipeline, and he expressed his opposition to the proposed project.
8. Heather Turnbull, 61 Dale Drive, said that everyone would be hurt by the Pilgrim Pipeline if it is built. She noted that both the Township and residents would need to reach out to representatives at the State and Federal level, as they might not be aware of the project.

9. Mareza Estevez, 126 Southern Boulevard, said that there seems to be an absence of a strategy on how to oppose the pipeline.
10. Mary Chambers, 41 Nicholson Drive, thanked the Township Committee for addressing this matter quickly. She also posed the question if there is a process for the Township to invest in the cause.
11. Ken Dolsky, 21 Winfield Drive (Parsippany), said that he was able to convince the Parsippany governing body to pass a resolution opposing this project. He also said that the Sierra Club is helping to create a strategy for the grassroots effort. He also said that the formal name of the grassroots effort is the Coalition Against the Pilgrim Pipeline. Mr. Dolsky also said that Pilgrim Pipeline wants to do the surveying in order to develop their applications for permits from the DEP, and they also imply having the ability to get permission to use eminent domain.
12. Peter Worden, 30 Floral Street, said that it is interesting how PSE&G would allow the Pilgrim Pipeline in their right-of-way, but not the Township's gazebo.
13. Sue Hoag, 76 Canterbury Road, said that an aging natural gas pipeline is on the same route as the proposed Pilgrim Pipeline, which is very scary. Mrs. Hoag questioned how both will be kept safe during construction and thereafter.
14. Marty McHugh, 61 Ormont Road, expressed his opposition to the Pilgrim Pipeline project.
15. Katey DePinto, 40 Clark Street (Chatham Borough), said that email addresses are being collected for anyone wishing to receive updates on the effort to opposed the Pilgrim Pipeline. She provided contact info for Jessica Romero and Heather Turnbull so that interested residents can reach out to them.

Mayor Sullivan closed the public hearing.

Committeeman Brower moved to pass Resolution 2014-212. Committeewoman Abbott seconded the motion.

Attorney Cruz read aloud the resolution with the amended language.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee took a break at 9:15 PM.

The meeting was called back to order at 9:30 PM.

### **Reports**

Mayor Sullivan noted that the report from the Auditor will be rescheduled for a future meeting. Administrator Ciccarone said that the content of the report when it is given will be about what municipal audits are and what they are not. It will also be an opportunity for the Township Committee to ask questions of the Township Auditor. Committeewoman Abbott expressed an interest in having the Auditor present at the meetings when the municipal budget and the annual audit are presented. Administrator Ciccarone agreed that the auditor should be present when the audit is presented.

Committeewoman Abbott reported that a draft survey for Colony Pool has been distributed to the Township Committee members for review. The survey will be conducted through Survey Monkey, as the Township has a subscription for that service. Committeewoman Abbott also addressed the paddleball courts being in a state of disrepair, and she requested that the Construction Official inspect the courts to assess if they are playable and repairable. Committeeman Brower said that paddleball companies are not interested in that court, as it cannot be reconditioned for use. He said that it would be more valuable as scrap metal. He also asked for a copy of the Colony survey, as he has not seen it yet.

Committeeman Gallop reported that DPW will be performing the work on renovating Nash Field, which will save the Township \$75,000.

Committeeman Brower reported that the Senior Club is worried about the cost of the proposed construction of a 1100 seat fine arts auditorium and what affect that will have on property taxes. He also cited a home that was built recently that was constructed below grade, and he raised a concern about flooding that will occur in the house. Mr. Ruschke said that a lot grading plan was submitted, and although he raised the same concern, there is not any ordinance in effect to prevent that. A dry well at the base of the driveway was required, and large sump pumps were placed in the basement to mitigate any flooding. Mr. Ruschke said that when he approved to plan, he noted that it was approved with reservations.

Deputy Ritter reported that the November/December newsletter has been posted on the Township website. He also reported that the Township's social media accounts have seen an increase in attention from the public. The Chatham Township Fire Department will be holding their annual Christmas Tree Sale, beginning on November 29<sup>th</sup>. The Green Village Fire Department will be holding their Visit from Santa on December 7<sup>th</sup> at 6:00 PM. Additionally, the fire departments are always looking for new volunteers. Regarding the Library of the Chathams, Deputy Mayor Ritter reported that they will be seeking additional funds for capital projects. On December 14<sup>th</sup>, the Wickham Woods neighborhood will have their Christmas parade.

Mayor Sullivan reported that the Historical Society hosted a lecture by Township resident Bill Style regarding the Civil War, and the event was well attended.

Committeeman Gallop mentioned that the request letter from Pilgrim Pipeline offered to send a representative to a Township meeting to answer questions, and he suggested that the Township take them up on that offer. Administrator Ciccarone noted that the Township's denial of surveying Township properties will not stop the project by itself. Deputy Mayor Ritter said that a public meeting would allow residents to vent their concerns directly to Pilgrim Pipeline. Committeeman Gallop said that a public meeting with Pilgrim Pipeline present would be helpful.

Engineer Ruschke said that the contractor for the Shunpike Sidewalks has not mobilized yet, and he is concerned that the project will push into colder weather. Administrator Ciccarone asked if the contract could be canceled and rebid for spring construction. Engineer Ruschke said that the contract has not yet been violated. The Township Committee discussed options for how to deal with the contractor, and if rebidding will be necessary. Administrator Ciccarone suggested that for the time being, the Township should try to get the work done under the current contract.

### **Introduction of Ordinance**

#### **ORDINANCE 2014-16**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF A GRANT OF EASEMENT FOR ROADWAY PURPOSES THROUGH, OVER, UPON AND UNDER PORTIONS OF BLOCK 37, LOTS 12 AND 14, AND A CONSERVATION RESTRICTION OVER AND UPON BLOCK 37, LOT 12, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, FROM INNOVATIVE CONSTRUCTION & DESIGN, LLC**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, wishes to accept a Grant of Easement for Roadway Purposes through, over, upon and under portions of Block 37, Lots 12 and 14, and a Conservation Restriction over and upon Block 37, Lot 12, as shown on the Township of Chatham Tax Map, conveyed unto the Township by Innovative Construction & Design, LLC; and

**WHEREAS**, these conveyances are required by the Township of Chatham Planning Board Resolution memorialized on August 18, 2014, Calendar No. PLAN:13-128-14; and

**WHEREAS**, the Township Attorney reviewed the above described documents and finds them acceptable in all respects.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby authorizes

acceptance of the attached Grant of Easement for Roadway Purposes and Conservation Restriction.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon its adoption, passage and publication according to law.

Committeewoman Abbott explained that this ordinance is for a recent application approved by the Planning Board on Mountain Avenue. Engineer Ruschke said that there was a lot line adjustment, and the easements are conditions of the approval. Committeewoman Abbott summarized the discussion held before the Planning Board.

Committeewoman Abbott moved to introduce Ordinance 2014-16. Committeeman Brower seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2014-16 will be scheduled for December 11, 2014.

**Consent Agenda**

**RESOLUTION 2014-198**

**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 \$1,720,378.73 and the prior month's payroll of \$384,410.76 Current Fund, \$48,909.14 Sewer No. 1, \$10,884.83 Sewer No. 2, and \$15,164.74 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of November 2014, in the amount of \$2,828,281.01 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Fourth Quarter of 2014, in the amount of \$2,283,416.12 be paid.

**RESOLUTION 2014-199**

**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:

Construction Official – October  
CFO – October  
Tax Collector – October

**RESOLUTION 2014-200**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MEETING MINUTES**

**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 October 23, 2014.

**RESOLUTION 2014-201**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on October 23, 2014.

**RESOLUTION 2014-202**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES AND SEWER UTILITY FEES**

**WHEREAS**, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,  
**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
38	40	Eber, Richard & Fran 267 Riverside Drive Princeton, NJ 08540  Property: 21 Meyersville Road	\$5,372.98 Property Tax Overpayment

**RESOLUTION 2014-203**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2014 BUDGET**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham will receive \$4,000.00 from the County of Morris Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental and wishes to amend its 2014 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$4,000.00 which will be available as a revenue from:

**Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:**

**Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental, and**

**BE IT FURTHER RESOLVED**, that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental.

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

**RESOLUTION 2014-204**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2014 BUDGET**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham will receive \$21,950.00 from the County of Morris Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR and wishes to amend its 2014 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$21,950.00 which will be available as a revenue from:

**Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:**

**Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR, and**

**BE IT FURTHER RESOLVED**, that a like sum of \$21,950.00 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR.

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

**RESOLUTION 2014-205**

**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:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Nicole Hagner & Jim Novick 396 River Road Chatham, NJ 07928	BOA 13-62-85	7761693402	\$120.00
Ridge at Chatham Richard L. Frigerio PO Box 454 New Vernon, NJ 07976	Performance Guaranty	7200038968	\$4,229.28

**RESOLUTION 2014-206**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX LIEN**

**WHEREAS**, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

**WHEREAS**, the Tax Collector has recommended the refund of such tax lien

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
63	1.01	John Venutolo 25 Hughes Place Summit, NJ 07901	\$8,549.69 – Certificate \$5,300.00 – Premium
		Lien #13-00003 Williams, Magalys	\$13,849.69 – Total

**RESOLUTION 2014-207**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2014 municipal budget, are not sufficient to meet anticipated expenses; and

**WHEREAS**, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

**Current Fund**

Appropriation	To	From
General Administration OE	\$8,500	
Public Buildings & Grounds OE	\$10,000	
Road Repairs OE	\$20,000	
Solid Waste Collection	\$15,000	

PFRS	\$4,650	
Vehicle Maintenance	\$7,350	
Colony S&W		\$50,000
Code Enforcement OE		\$5,500
Recreation OE		\$10,000
Current Fund Total	\$65,500	\$65,500

**RESOLUTION 2014-208  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, CANCELLATION OF STALE DATED  
CHECKS**

**WHEREAS**, there exist various reconciling items on the balance sheet of the Payroll Account;  
and

**WHEREAS**, the funds creating these reconciling items have been investigated and it has been determined that these reconciling items should be cancelled; and

**WHEREAS**, these cancelled funds will be returned to their respective funds and or accounts;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the following reconciling items are hereby cancelled:

<u>Check #</u>	<u>Payroll \$ Amount</u>	<u>Date</u>
59305	43.52	28-Jun-13
59379	17.46	15-Jul-13
59493	270.97	30-Jul-13
59642	12.04	30-Aug-13
59650	20.67	30-Aug-13
59689	494.13	13-Sep-13
59690	12.07	13-Sep-13
59780	126.56	30-Dec-13
	<u>\$997.42</u>	

**RESOLUTION 2014-209  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING  
MAYOR'S SIGNATURE OF A CONSERVATION PARTNERSHIP AGREEMENT BY AND  
BETWEEN THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY, THE  
TOWNSHIP OF CHATHAM, THE OPEN SPACE INSTITUTE AND MORRIS COUNTY PARK  
COMMISSION**

**WHEREAS**, the Township of Chatham has partnered with the Morris County Municipal Utilities Authority, the Open Space Institute and the Morris County Park Commission for the purchase of land known as the Giralda Farms property; and

**WHEREAS**, the above cited parties desire to enter into a Conservation Partnership Agreement for the conservation property to be acquired; and

**WHEREAS**, the Agreement has been signed by Mayor Sullivan and attested by the Township Clerk under the authority granted to them by Ordinance 2014-15.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Township Committee approves the attached Agreement between the Township of Chatham, the Morris County Municipal Utilities Authority, the Open Space Institute and the Morris County Park Commission, and ratifies and confirms the Mayor's signature on the Agreement.

**RESOLUTION 2014-210  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL AUDITING SERVICES WITH AM CONSULTANTS FOR FIXED ASSET  
INVENTORY**

**WHEREAS**, the Township of Chatham has a need to acquire professional services for a fixed asset inventory; and,

**WHEREAS**, the amount of the contract will be in an amount not to exceed \$8,500.00; and,

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are available in the 2014 Municipal Budget; and

**NOW THEREFORE, BE IT RESOLVED** that the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with AM Consultants as described herein; and,

**BE IT FURTHER RESOLVED** that this contract is awarded without formal competitive bidding as a “Professional Service” in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

**BE IT FURTHER RESOLVED** that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

Committeeman Brower asked about the refund of a tax lien. Administrator Ciccarone explained about tax liens created as part of a tax sale, and how this resolution handles settling a tax lien redemption. Committeeman Brower also asked about the cancellation of stale dated checks. Administrator Ciccarone explained that checks issued by the Township expire after 90 days, and it is a sound financial practice to cancel unclaimed checks after a period of time so as to reconcile Township records.

Deputy Mayor Ritter asked about the budget amendments for the MACC grants. Administrator Ciccarone said that the Municipal Alliance moved to a state fiscal year budget cycle, and the 2013 grant had been extended. These resolutions are to account for the new grants from the County, and this was an anticipated amendments.

Mayor Sullivan asked about the fixed asset inventory. Administrator Ciccarone said that this was discussed when the audit was presented. He also noted that one of the budget transfers is to cover the costs of the inventory.

Committeeman Brower moved to approve the Consent Agenda. Committeewoman Abbott seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

### **Discussion**

#### **Mailbox Damage Repairs**

Mayor Sullivan said that last winter, there were several mailboxes damaged due to snow plowing, and were largely replaced to cost. He said that there may be a need to enact legislation to limit the Township’s liability for mailbox repair and/or replacement. The Township Clerk said that some municipalities he contacted do not have this issue as they do not have mailboxes along the road. Some municipalities put the claims through their insurance, while some have a limit of \$50. One municipality bears no responsibility, as mailboxes are not allowed in the right-of-way at all. Administrator Ciccarone said that more research will be done so as to prepare a recommendation.

#### **Rosepond Developers Agreement**

### **RESOLUTION 2014-211 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, DECLARING ROSEPOND, LLC, IN DEFAULT OF THE DEVELOPER’S AGREEMENT FOR THE VALLE ESTATE AT CHATHAM TOWNSHIP**

**WHEREAS**, Rosepond, LLC, received Preliminary and Final Site Plan Approval to construct a fifty-six (56) unit townhouse development known as The Valle Estate at Chatham Township a/k/a Rose Valle Estates; and

**WHEREAS**, Rosepond, LLC, and the Township entered into a Developer’s Agreement, dated December 2, 2004; and

**WHEREAS**, Article II of the Developer's Agreement required Rosepond, LLC, to post performance guarantees; and

**WHEREAS**, International Fidelity Insurance Company did, in fact, post Performance Surety Bond No. 0396796 in the amount of \$6,140,979.00, and Rosepond, LLC, posted a cash bond of \$682,331.00 for site improvements; and

**WHEREAS**, Paragraph I(B) of the Developer's Agreement between the Township and Rosepond, LLC, provides that:

(B) Time of Completion of Improvements: The Developer shall complete all required and approved improvements within two (2) years from the date of final site plan approval. Such completion date may be extended upon request by Developer of the Township for good cause shown, as provided by law.

; and

**WHEREAS**, the time provided by Article I(B) of the Developer's Agreement passed without Rosepond, LLC, completing the bonded improvements; and

**WHEREAS**, the units at Rose Valle Estates are completed and partially occupied; and

**WHEREAS**, Rosepond, LLC's failure to complete the bonded improvements presents a danger to the health, safety and welfare of the residents of Rose Valle Estates; and

**WHEREAS**, Paragraph 4 of the Performance Surety Bond describes the procedure to declare a default under the Performance Surety Bond:

In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of the final approval issued pursuant to the Municipal Land Use Law, including such extensions as may be allowed by the approving authority, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.

; and

**WHEREAS**, the Township Committee of the Township of Chatham finds that Rosepond, LLC, is in default of the Developer's Agreement; and

**WHEREAS**, Rosepond, LLC, seeks to cure the default and has tendered a signed Proposal from Louis N. Rothberg & Son., Inc., dated November 14, 2014 (sic) for the miscellaneous repair work (Punch List) and paving of roads for Rose Valle Estates; and

**WHEREAS**, Rosepond, LLC, has represented that the Punch List work and paving of roads at Rose Valle Estates will begin on November 24, 2014 and will be completed within seven (7) to twelve (12) business days after that date; and

**WHEREAS**, the time of completion of the improvements has long passed and the Township believes it is appropriate to declare a default under the Developer's Agreement; however, in the event that Rosepond, LLC, is proceeding to cure the default by completing the Punch List and paving within the time proposed by Rosepond, LLC, then the Township Engineer shall withhold notifying the International Fidelity Insurance Company that an uncured default occurred.

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

1. That Rosepond, LLC, is hereby declared in default of the Developer's Agreement.
2. That the Township Engineer withhold notifying the International Fidelity Insurance Company that a default occurred provided that Rosepond, LLC, is proceeding to cure the default as described in this Resolution.
3. That if Rosepond, LLC, fails to cure the default as described in this Resolution, that Rosepond, LLC, and International Fidelity Insurance Company be notified of the uncured default via Certified Mail, Return Receipt Requested and Regular Mail.
4. That the Township of Chatham Engineer is authorized to provide said notice.

5. That the Township of Chatham Administrator, Clerk, Engineer and Attorney are hereby authorized to take all steps necessary to have the improvements completed.
6. This Resolution shall take effect immediately.

Mayor Sullivan said that the Township is trying to get Rosepond to finish the Valle Estates project. Engineer Ruschke said that it is substantially done, and there are some punch list items to be finished, most importantly the final paving. Meetings have been held with both the homeowners association and the developer to address the matter. Engineer Ruschke also said that it has been made clear to the developer that if they did not complete the project in a timely fashion, then the Township would move forward with finding them in default of the performance bond. Administrator Ciccarone said that a letter has been prepared that if they do not get the job completed, then they will be in default.

Committeeman Brower moved to pass Resolution 2014-211. Committeewoman Abbott seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

#### Generator Change-Order

Engineer Ruschke said that part of the sewer project includes replacement of the generator at WPC1 with an appropriately sized generator. The existing generator was planned to be mounted on a trailer so that it could be used at the Municipal Building or other facilities in the event of a power outage. The contractor has proposed a change order by scope in which the existing generator would be traded in toward a generator that is already mounted. Administrator Ciccarone said that the generator available under this option would have a longer warranty period. Engineer Ruschke said he would try to get the contractor to include a connector. Engineer Ruschke said that the proposed unit was designed to be on a trailer, and it can be available in two to four weeks. Administrator Ciccarone added that the two to four weeks period reduces the possibility of needing to rent a unit.

Committeeman Gallop moved to approve the change order, to be memorialized at the next Township Committee meeting. Deputy Mayor Ritter seconded the motion.

**Roll call:** Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

#### Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.  
Seeing no comment, Mayor Sullivan closed the Hearing of Citizens.

Deputy Mayor Ritter moved to adjourn at 11:00 PM. Committeeman Brower seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Township Clerk