

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA**

September 25, 2014
September 19, 2014 Draft

Meeting Called to Order – 7:30 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.

Flag Salute

Roll call

Approval of Agenda

Reports:

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Public Hearing/Final Adoption of Ordinances

1. Ordinance 2014-14 Amending 2014 Salary Ordinance

Introduction of Ordinances

1. Ordinance 2014-15 Authorizing Acquisition of Land

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2014-177 Receipt of Reports
2. Resolution 2014-178 Approving Meeting Minutes
3. Resolution 2014-179 Approving Executive Session Minutes
4. Resolution 2014-180 Releasing Escrow Balances
5. Resolution 2014-181 Appointing Crossing Guard

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session – Resolution 2014-P-15

- a. Property acquisition or investment options: Giralda Farms & Dixiedale Farm
- b. Pending or anticipated litigation: Paff v. Township of Chatham

Adjourn

ORDINANCE 2014-15

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF PROPERTY
KNOWN AS BLOCK 142, LOTS 1 AND 2 LOCATED NORTH OF WOODLAND
AVENUE AND BLOCK 141, LOTS 7, 8 AND 9.04 LOCATED SOUTH OF WOODLAND
AVENUE, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM BY
ASSIGNMENT FROM THE OPEN SPACE LAND TRUST**

WHEREAS, the Township of Chatham was offered the opportunity to acquire property known as Block 142, Lots 1 and 2 located North of Woodland Avenue (“Property”) and Block 141, Lots 7, 8 and 9.04 located South of Woodland Avenue (“Woodland Parcel”), on the Official Tax Map of the Township of Chatham, for passive open space by assignment from the Open Space Institute Land Trust (“OSI”); and

WHEREAS, the Property offered to the Township consists of approximately 131.344± acres, excluding Dodge Drive, subject to a restrictive covenant limiting the use of the Property and the Woodland Parcel to conservation and passive recreation purposes; and

WHEREAS, the contract purchaser, Normandy MRY Madison, LLC, of the Property and Woodland Parcel agreed to assign a Purchase and Sale Agreement to OSI for a purchase price of \$14,100,000.00 (“Purchase Price”); and

WHEREAS, OSI assembled various funding sources for the Purchase Price of the Property and Woodland Parcel as follows:

Source of Funds

Morris County Open Space Trust Fund
Morris County Park Commission
Morris County Municipal Utilities Authority
Chatham Township
Open Space Institute Land Trust
Normandy MRY Madison, LLC

WHEREAS, the parties will acquire title to the Property and Woodland Parcel in proportion to their contribution; and

WHEREAS, however, through a series of conveyances at the closing, the Township will own approximately 91.9118% of the Property and the County of Morris for park purposes will own approximately 8.0882% of the Property, subject to further revision based upon the actual proportion of the individual contributions; and

WHEREAS, however, the County of Morris for park purposes will solely own the Woodland Parcel; and

WHEREAS, the acquisition of the Property and Woodland Parcel is contingent upon the funding sources contributing the full Purchase Price; and

WHEREAS, the Township’s portion of the funding is from the following sources:

Party	Source of Funds	Amount
Township	Chatham Township Green Acres Grant	\$400,000.00
Township	Chatham Township Open Space Trust Fund	\$300,000.00

WHEREAS, the Township desires to acquire title to the Property in the approximate percentage described above contingent upon funding and revision of the actual percentage ownership based upon the actual proportion of the contribution; and

WHEREAS, the Township desires to appropriate \$400,000.00 in a Green Acres Grant

(reimbursement for a prior acquisition) and \$300,000.00 from the Township Open Space Trust Fund.

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

1. The Township of Chatham hereby approves and authorizes the Township Mayor, Administrator, Clerk and Attorney to execute any and all documents necessary to consummate the acquisition of the Property and Woodland Parcel, including but not limited to:
 - a) Partial Assignment of Agreement;
 - b) Acquisition Funding and Assignment Agreement;
 - c) Agreement Pertaining to Declaration Amendment;
 - d) Cooperation Agreement;
 - e) Environmental Release;
 - f) Declaration of Conservation Restrictions;
 - g) Closing Statement; and
 - h) Such other documents as are necessary to consummate this transaction.
2. Appropriate up to \$400,000.00 in a Green Acres Grant for a reimbursement prior acquisition and up to \$300,000.00 from the Township Open Space Trust Fund for its share of the funding to acquire the Property.
3. The documents described in Paragraph 1 above shall provide the following:
 - a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the Township and the County of Morris for park purposes owning the Property in the approximate percentages stated above as tenants in common.
 - b) The closing shall occur on or before December 31, 2014.
 - c) The closing shall be contingent upon the funding of the Purchase Price as described above.
 - d) Title shall be subject to a restrictive covenant limiting the use of the Property to conservation and passive recreation purposes.
4. This Ordinance shall take effect in accordance with law.

Introduced: September 25, 2014

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2014-14

AN ORDINANCE TO AMEND ORDINANCE 2013-020 AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, EFFECTIVE JANUARY 1, 2014

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

Section 1. Section 1 of Ordinance 2013-020 is hereby amended as follows: compensation for the position or office listed shall be compensated within the range set forth below. Actual compensation, consistent with the salary range established herein, is established by Township Resolution.

<u>Office or Position of Employment</u>	<u>Minimum</u>	<u>Maximum</u>
Public Works Manager	65,000	131,000

Section 2. This ordinance shall take effect upon publication as provided by the law.

Introduced: September 11, 2014

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2014-177

**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 – August
CFO – August
Tax Collector – August

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2014-178

**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 meetings held on September 11, 2014.

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2014-179

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 11, 2014.

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2014-180

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>
Kitson and Partners 4500 PGA Boulevard, Suite 400 Palm Beach Gardens, FL 33418	Giralda Farms Treadwell Ave CM 13-142-1	7761693394	\$174.60

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2014-181

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CROSSING GUARD

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Matthew Krickus is hereby appointed to serve as a Crossing Guard for the Township of Chatham, effective September 29, 2014, at a rate consistent with the 2014 Salary Resolution.

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2014-P-15

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, 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. Property acquisition or investment options: Giralda Farms & Dixiedale Farm
 - b. Pending or anticipated litigation: Paff v. Township of Chatham
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: September 25, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor