

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JANUARY 23, 2014**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:34 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 Committeeman Gallop, Committeewoman Abbott, Committeeman Brower, Deputy Mayor Ritter and Mayor Sullivan.

Approval of Agenda

Deputy Mayor Ritter moved to approve the Agenda. Mayor Sullivan seconded the motion, and it carried unanimously.

Reports

Mayor Sullivan read the list of names of those who were appointed to the

Deputy Mayor Ritter reported that he attended the League of Municipalities seminar for newly elected officials, and he suggested that any Township Committee member who has not attended in the past should consider doing so. He also reported that the Communications Committee has met to discuss plans, protocols and procedures for disseminating important information. The Environmental Commission has also met, and they have reappointed Dot Stillinger as their chairperson and Steve Carroll as vice-chairperson. The Environmental Commission has also sent a letter to the Board of Adjustment expressing concerns regarding construction on a property on Susan Drive, and they are also looking into the feasibility of offering weekly recycling pickup. Deputy Mayor Ritter also noted that the Chatham Township Fire Department has installed their officers for 2014. He also advised residents to make sure they clear snow from around fire hydrants. Deputy Mayor Ritter also noted that the US Division of Fish & Wildlife will be holding an assembly for 5th Graders at Lafayette Avenue School on "Living with Bears." The Chatham Education Foundation will be holding their Taste of Chatham event of February 28th.

Committeewoman Abbott reported that the Colony Pool Advisory Committee will be meeting soon to discuss having fitness classes start earlier than last year and to announce the availability of tennis clinics. The Municipal Alliance Committee recently had a presentation regarding drug trends, and the heroin epidemic in Morris County has become more severe. The Community Garden plots are now full, and there is a waiting list. There is also a plot being shared by three schools. The Township Committee discussed having the plot allotment reach 50/50 next year.

Committeeman Gallop reported that the Public Safety Committee met, and discussed how better to make use of the Everbridge system. He also reported that Chief Hennelly made a presentation on the usage of cameras in patrol vehicles, and he described some of the potential uses for such cameras. Committeeman Brower commented on the County's dispatch system.

Committeeman Brower reported on deer management. He noted that the Great Swamp had a deer hunt this past year. He also reported that the past year was the second best year ever for the Senior Center's fundraising efforts. Committeeman Brower further reported that the Planning Board's reorganization meeting went smoothly. He further recognized the good job done by the Public Works Department in clearing roads after a recent snowstorm.

Mayor Sullivan reported that 114 children have signed up for the skiing program. He also reported that there have been some scheduling problems within the youth basketball program, but the basketball club is handling the issue. Mayor Sullivan also described the procedure for clearing roads of snow during storms. Committeeman Brower asked if the material used to pre-treat roads before snowstorms would create icy conditions. He also asked if the material would harm plants. DPW Director John Pacelli said that the material is not harmful to plants. Committeeman Brower also commented on private plows pushing snow onto neighboring yards, and asked if the contractors are licensed by the Township. Administrator Ciccarone said that he does not believe that the Department of Community Affairs allows municipalities to license contractors. He also said that contractors are responsible to learn the laws of any communities in which they work.

Administrator Ciccarone gave a preliminary budget presentation. He addressed how the appropriation cap will affect the 2014 budget, and also spoke about the 2% levy cap. Also discussed were the equalized tax values. Employee contributions to healthcare costs will increase again this year. The 2014 budget also will not have to account for any emergency appropriations from the previous year. Committeeman Brower addressed the amount of money levied by the County on Chatham Township properties, and opined that Chatham Township does not receive an equal value of services. Committeewoman Abbott pointed out that the County provides services that the Township does not. Mayor Sullivan said that the County tends not to be as responsive as he would like when the Township makes requests. Regarding the budget calendar, Administrator Ciccarone said that he will be meeting again with the budget/finance subcommittee again over the next several weeks, and he anticipates a full budget presentation at the February 27th meeting. He also anticipates that the budget will be ready for introduction at the February 27th meeting, with public hearing and adoption at the first meeting in April.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

1. Lillian Ranese, 96 Ormont Road, inquired about a street light that is out, and about a stop sign that was installed on Henry Drive. Mayor Sullivan said that the stop sign was put in based on a recommendation from the Police Department, which was in response to a request from residents in that neighborhood. Chief Hennelly said that the stop sign is designed to control speeding in the neighborhood. Mrs. Ranese asked if a yield sign could be installed instead. Attorney Cruz suggested that the Police Department should study the issue and see if a yield sign would be appropriate. Mayor Sullivan also addressed the question of the street light. He said that JCP&L is responsible for maintaining the light, and they have said that they are still backed up with some Hurricane Sandy recovery efforts.

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

Introduction of Ordinances

Ordinance 2014-01

ORDINANCE 2014-01 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO AMEND THE ANNUAL RENEWAL FEE FOR LIQUOR LICENSES

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

1. **6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<i>Class of License</i>	<i>Annual Fee</i>	<i>Number</i>
Plenary Retail Consumption License	\$2500.00	3
Plenary Retail Distribution License	\$907.00	2

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.
3. This ordinance shall take effect as provided by law.

The Township Clerk indicated that over the past few years, the Township Committee has incrementally been raising the fee for liquor license renewals in accordance with State law. The State allows license fees to be raised by 20% a year, and the maximum renewal fee is \$2500.00. Committeeman Brower asked how much a new license would cost. Mr. LaConte said that a new license would be sold at auction, and could bring in a considerable amount of money provided that there is sufficient interest among bidders.

Deputy Mayor Ritter moved to introduce Ordinance 2014-01. 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 for Ordinance 2014-01 will be scheduled for February 13, 2014.

Consent Agenda

RESOLUTION 2014-032

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 \$1,137,529.84 and the prior month's payroll of \$412,001.87 Current Fund, \$47,594.80 Sewer No. 1, \$10,757.80 Sewer No. 2, and \$18,929.64 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of January 2014, in the amount of \$2,702,308.11 be paid.

RESOLUTION 2014-033

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- CFO – December
- Construction Official – December
- Police Department – December
- State Training Fees – 4th Quarter
- Vital Statistics – 4th Quarter

RESOLUTION 2014-034

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on January 3, 2014.

RESOLUTION 2014-035

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on January 3, 2014.

**RESOLUTION 2014-036
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING EMERGENCY MANAGEMENT COORDINATOR**

BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Kevin Sullivan be appointed as Emergency Management Coordinator to fill an unexpired term ending December 31, 2014.

**RESOLUTION 2014-037
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING SEWER CONNECTION FOR 689 SHUNPIKE ROAD**

WHEREAS, the Township Engineer has certified that all applications requirements for 689 Shunpike Road, Block 144, Lot 24 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated January 8, 2014 the Township Engineer outlined various conditions for the approval of a sewer connection for 689 Shunpike Road, Block 144, Lot 24;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 689 Shunpike Road, Block 144, Lot 24 subject to the conditions set forth by the Township Engineer.

**RESOLUTION 2014-038
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING SPECIAL COUNSEL**

BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Carl R. Woodward, III is appointed as Special Counsel effective January 1, 2014 at a rate of \$150 per hour plus expenses to perform special legal services as directed.

**RESOLUTION 2014-039
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>
David Fitt 5 Overlook Road Chatham, NJ 07928	ROI 12-123-11	7761693162	\$1,111.11

**RESOLUTION 2014-041
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING THE BID OF ALLIED CONSTRUCTION GROUP FOR THE 2014 WPC1
EFFLUENT PUMP STATION**

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for a WPC1 Effluent Pump Station Project; and

WHEREAS, bids were duly received and opened on January 14, 2014 at 11:00 a.m.; and

WHEREAS, the bid of Allied Construction Group, with the base amount of \$1,938,800.00 and Supplemental A amount of \$50,000.00 for a total of \$1,988,800.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Allied Construction Group is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Allied Construction Group in accordance with the bid specifications and subject to DEP Approval.

RESOLUTION 2014-042
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBER TO THE BOARD OF HEALTH

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Board of Health :

- | | | |
|----------------|--------------------|-------------------|
| 1. Full Member | Lucille Plantemoli | December 31, 2014 |
|----------------|--------------------|-------------------|

RESOLUTION 2014-043
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBER TO THE ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Zoning Board of Adjustment:

- | | | |
|-----------------|----------------|--------|
| 1. Alternate #2 | William Styple | (2015) |
|-----------------|----------------|--------|

RESOLUTION 2014-044
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
MAYOR'S APPOINTMENTS FILLING PLANNING BOARD APPOINTMENTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following board and committee appointments be made:

Planning Board: Mayor's Appointments

- | | | | |
|----|----------|----------------|--------|
| 1. | Class IV | Lydia Chambers | (2017) |
| 2. | Alt. 1 | Joseph Saluzzi | (2015) |

RESOLUTION 2014-045
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW
JERSEY APPROVING DEVELOPER'S AGREEMENT AND REVOCABLE LICENSE
AGREEMENT WITH HOME PROPERTIES CHATHAM HILL LLC

WHEREAS, the Zoning Board of Adjustment of the Township of Chatham, by resolution dated August 22, 2013, has granted preliminary, final major subdivision approval and a density variance and bulk and dimensional variances to Home Properties Chatham Hill LLC for premises located at Block 48.17, Lot 126.02 and Block 48.23, Lot 126.03, on the current tax map of the Township to construct a new leasing office, convert the existing leasing office to an apartment, and conduct other related improvements; and

WHEREAS, said approvals require the execution of a Developer's Agreement and Revocable License Agreement with the Township as a condition of said approvals, which agreement has been submitted, reviewed by the Zoning Board of Adjustment and Township Attorneys, and been found acceptable;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that said Developer's Agreement and Revocable License Agreement copy on file with the Township Clerk, with Home Properties Chatham Hill LLC, be hereby accepted, and that the Mayor and Clerk are hereby authorized to execute the same.

Mayor Sullivan said that Resolution 2014-040 would be pulled from the Consent Agenda to be discussed in Executive Session.

Deputy Mayor Ritter asked if he could submit his remarks from the Reorganization Meeting to the minutes. The Township Clerk asked that Deputy Mayor Ritter send him a copy for inclusion. Committeewoman Abbott noted that changes to the minutes should be sent to the Clerk prior to the meeting. Attorney Cruz said that the Clerk would send revised minutes to the Committee whenever changes are made.

The Township Committee discussed Resolution 2014-036 appointing an OEM Coordinator. The Township Clerk indicated that a resolution was passed last year to appoint Mayor Hagner as OEM Coordinator due to Chief Paton's retirement, and the resolution should have made the appointment through the remainder of the unexpired term. Committeeman Gallop suggested that the OEM Coordinator position should be filled by the current mayor. Administrator Ciccarone said that it does not have to be the mayor, and the only requirement is that the Coordinator be a Township resident. Committeewoman Abbott asked if there is an active search for a dedicated OEM Coordinator, and Mayor Sullivan said that there is an ongoing search. Attorney Cruz asked that the resolution be amended by a formal motion.

Committeeman Brower moved to amend Resolution 2014-036. Committeewoman Abbott seconded the motion.

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

Committeeman Brower inquired about the CFO report and an amendment to the current fund. Administrator Ciccarone explained that when grants are received, the budget is amended to show the receipt of the funds and to show a corresponding appropriation. He also described the procedure of encumbering money. Any unexpended money at the end of the year lapses into the surplus if not bill are charged against it after the following year.

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

March Meeting Schedule

Mayor Sullivan said that two members of the Township Committee are unavailable for the March 27th meeting. Options for rescheduling that meeting were discussed. Administrator Ciccarone said that if the meeting schedule does not change, then the 2014 Budget can be scheduled for public hearing and final adoption at the first meeting in April. The meeting schedule was not changed.

ARC Morris

Administrator Ciccarone explained that every year ARC Morris submits a payment in lieu of taxes, and requests that the funds be returned.

Committeeman Brower moved to return the check to ARC Morris. Committeewoman Abbott seconded the motion, and it carried unanimously.

Committeeman Brower asked if the ARC Morris group home counts toward the Township's affordable housing requirements. Administrator Ciccarone said that it does. Committeeman Brower also asked if the Township's affordable housing requirements would be affected if new apartments were built. Administrator Ciccarone said that the COAH Third Round rules are still a pending issue, so it is unknown how future development will affect the Township's responsibilities for new affordable housing.

Request to Vacate Walkway Easement

Mayor Sullivan explained that a request was received from some residents to vacate a walkway easement that extends from Pine Street to Linden Lane. He was visited the property, and suggested that any Township Committee members who have not been there yet should do so. Mayor Sullivan also said that the letter received from the residents cited specific concerns about the easement.

Deputy Mayor Ritter asked if there is any precedent for vacating easements. Administrator Ciccarone said that he is unaware of any easements that have been vacated, however it is not uncommon for paper streets to be vacated. Deputy Mayor Ritter also asked about the process for vacating an easement. Attorney Cruz explained that an ordinance would be necessary to terminate the easement, and the Tax Assessor would review the property to ascertain if there would be any change in the property's assessed value.

Committeewoman Abbott provided background on the Safe Routes to School Committee's interest in utilizing this walkway for children to be able to get to either Lafayette Avenue School or Chatham High School. Although the cost to open up this path would be significant, Committeewoman Abbott said that she thinks the Township should keep the easement as an inactive walkway in case a future Township Committee wanted to make use of it.

Committeeman Brower said that there is a pond near this easement, and the property owners do not want to have any liability from having an attractive nuisance near a walkway easement.

Mayor Sullivan opined that the walkway from Linden Lane to Pine Street would not be the walkway that children would want to use in order to get to school.

Committeeman Brower addressed the width of Linden Lane, and opined that the narrowness of the road would be of concern if the easement were cleared for walking.

Committeeman Gallop asked Attorney Cruz to comment on the value of the portion of the property with the easement and the tax assessment on that portion. Attorney Cruz said that he would have to check with the Tax Assessor as to what value he places on that portion of land, but his experience indicates that there would not be a significant amount of value placed on the easement.

Administrator Ciccarone said that he does not think that this particular path would be safe for children to use as a route to school due to traffic patterns on Pine Street, and he recommended that the easement be vacated.

Noreen and Ken McCaffrey, 75 Pine Street, were invited to address the Township Committee. Mrs. McCaffrey thanked the Township Committee for considering the request, and mentioned that there are trees in the easement that could not be easily removed. She also said that it was determined at a Safe Routes to School Committee meeting that the walkway would not be used, ergo she believes that it should be vacated accordingly. Committeewoman Abbott asked if it would be acceptable to the McCaffrey's if their tax assessment went up due to the vacating of the easement. They said that they are ok with that, and Mr. McCaffrey said he would like to know what the dollar amount would be. Administrator Ciccarone said that the dollar amount would already be listed as a discount on their tax bill.

Mayor Sullivan asked Attorney Cruz to prepare an ordinance for the next meeting for to vacate the easement.

Uniform Construction Code Fees

Administrator Ciccarone summarized a memo from Construction Official Greg Impink suggesting that the fee for Construction Records Clearance Certifications. He also said that there is a request from Mr. Impink to remove the fee for plumbing sub-code generator inspections.

Community Garden Committee

Mayor Sullivan said that the number of voting members on the Community Garden Committee should be equal between the Township and Borough. Committeewoman Abbott said that each municipality has four regular members plus a governing body liaison. Mayor Sullivan said that the Township Committee does not want to micromanage the Community Garden Committee, and suggested that perhaps the resolution should say that there should be an equal number of voting members without specifying the number of members. Administrator Ciccarone said that the Community Garden Committee could remain as it is, and have any additional gardeners participate in the discussions. Mayor Sullivan suggested that there should also be a rotating chairmanship of the Committee.

Circulation Plan

Mayor Sullivan said that there has been a request for the Township Committee to fund the work to be done by Township Planner Frank Banisch on the circulation plan updates. He also noted that no further appropriations can take place until the 2014 Budget is adopted. The Planning Board has unanimously agreed that the work should move forward, and Mayor Sullivan asked if the Planning Board members have had a chance to review the proposal from Mr. Banisch.

Mayor Sullivan invited Planning Board Chairman Tom Franko to address the Township Committee. Mr. Franko said that the Planning Board will be discussing the proposal at their meeting on January 27th. He also noted that Mr. Banisch is one of the leading professionals in the state on circulation plans, and the time has come to have a professional take the lead on updating the Township’s circulation plan.

Committeewoman Abbott asked if dollar values should be included in the priorities listed in the circulation plan. Mayor Sullivan said that he does not think that dollar values are necessary. Mr. Franko added that the circulation plan is not an implementation plan, but rather a plan on how best to move vehicles and pedestrians throughout the Township.

Administrator Ciccarone said that the Planning Board is able to retain professionals without having to seek approval from the Township Committee so long as budget constraints are met. Attorney Cruz said that as long as sufficient funds are appropriated in the 2014 Budget, then the Planning Board can award a contract to Mr. Banisch for this work to be done.

Committeeman Brower suggested that the circulation plan should prioritize those elements that can be easily accomplished so that there can be sufficient time to sort out issues related to the tougher projects. Planning Board member Lydia Chambers said that Mr. Banisch did so with the walkway/bikeway plan, and will do so qualitatively with the circulation plan. She also said that Mr. Banisch’s proposal is based on an outline that was prepared by the subcommittee that has done work on updating the circulation plan.

Administrator Ciccarone said that the circulation plan updates, once finalized, will still be subject to the approval of the Township Committee.

Mrs. Chambers asked if there was any way to make an appropriation to begin the work now rather than wait until April. Administrator Ciccarone said that the Planning Board could allow the work to begin with a “not-to-exceed” provision, but the full appropriation cannot be made until the budget is adopted.

Subcommittee Assignments

**RESOLUTION 2014-046
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM DESIGNATING COMMITTEE ASSIGNMENT**

BE IT RESOLVED by the Township Committee of the Township of Chatham that Township Committee assignments be made as follows:

<u>Name of Standing Committee</u>	<u>Committee members</u>
Public Safety/Emergency Management	Kevin Sullivan and Robert Gallop

Committeeman Brower moved to pass Resolution 2014-046. Committeewoman Abbott seconded the motion.

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

Board Appointments

Mayor Sullivan announced the names of the individuals appointed to the Board of Health, Zoning Board and Planning Board during the Consent Agenda.

RESOLUTION 2014-047
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE COLONY POOL ADVISORY COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Colony Pool Advisory Committee:

1. Bill Petrunik (2014)

Committeewoman Abbott spoke in favor of appointing Bill Petrunik to the Colony Pool Advisory Committee.

Deputy Mayor Ritter moved to pass Resolution 2014-047. Committeeman Brower seconded the motion.

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

Special Recognition

Mayor Sullivan cited a portion of the Police Department's monthly report to recognize Officer Scott Herchick for assisting a resident who had a medical emergency.

Executive Session

RESOLUTION 2014-P-02
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

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Personnel Matters – Police Department Administrative Secretary
Potential Litigation- Hutton Construction, LLC v. Township of Chatham

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

Mayor Sullivan announced that formal action would be taken following the Executive Session.

Committeeman Brower moved to pass Resolution 2014-P-02 to enter Executive Session at 10:38 PM. Deputy Mayor Ritter seconded the motion.

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

The Township Committee returned from Executive Session at 11:35 PM.

RESOLUTION 2014-040
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF PM CONSTRUCTION CORP FOR THE 2014 CHATHAM GLEN PUMP STATION & FORCE MAINS PROJECT

WHEREAS, on January 14, 2014, the Township of Chatham received eight (8) bids for the construction of “Contract No. 1 - Chatham Glen Pump Station & Force Mains” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the three (3) lowest numerical bidders were:

<u>Bidder</u>	<u>Total Amount of Bid</u>
MSP Construction Corp.	\$2,318,110.00
PM Construction Corp.	2,344,008.80
Hutton Construction, LLC	2,633,096.00

; and

WHEREAS, Hutton filed a protest alleging that MSP and PM failed to provide the subcontractor information required by N.J.S.A. 40A:11-16(b), and that the bids of MSP and PM should be rejected and Hutton awarded the contract; and

WHEREAS, PM also filed a protest alleging that MSP failed to provide the subcontractor information and that the bid of MSP should be rejected and PM awarded the contract; and

WHEREAS, N.J.S.A. 40A:11-16(b) provides that:

Whenever a bid sets forth more than one subcontractor for any of the categories (1) through (4) in paragraph (1) of subsection a. of this section, the bidder shall submit to the contracting unit a certificate signed by the bidder listing each subcontractor named in the bid for that category. The certificate shall set forth the scope of work, goods and services for which the subcontractor has submitted a price quote and which the bidder has agreed to award to each subcontractor should the bidder be awarded the contract. The certificate shall be submitted to the contracting unit simultaneously with the list of subcontractors. The certificate may take the form of a single certificate listing all subcontractors or, alternatively, a separate certificate may be submitted for each subcontractor. If a bidder does not submit a certificate or certificates to the contracting unit, the contracting unit shall award the contract to the next lowest responsible bidder.

; and

WHEREAS, N.J.S.A. 40A:11-23.2(d) makes the failure to submit the list of subcontractors required by N.J.S.A. 40A:11-16(b) a material defect of the bid proposal; and

WHEREAS, MSP submitted a list of subcontractors, which list included two (2) subcontractors for the electrical work; however, MSP failed to identify the scope of work each subcontractor would perform; and

WHEREAS, the Township Committee of the Township of Chatham finds that MSP’s failure to list the scope of work for each of the electrical subcontractors is a material defect and hereby rejects MSP’s bid as non-responsive; and

WHEREAS, PM submitted a list of subcontractors, which list included two (2) subcontractors for the electrical work; however, PM listed next to each sub-contractor the scope of work to be performed by each as follows:

Work Category	Name	Address
Electrical Work	FaiGon Electric, Inc. (Loop Detectors)	140 11th Street Piscataway, NJ 08854
Electrical Work	Raymond Nebiker Electric, LLC (Pump Station)	74 Woodland Road Ringwood, NJ 07458

; and

WHEREAS, PM's bid proposal provided that FaiGon Electric, Inc., would provide the electrical work consisting of the loop detectors, and Raymond Nebiker Electric, LLC, would provide the electrical work for the Pump Station; and

WHEREAS, PM's Document Submission Checklist on page B-42 of the specifications constitutes PM's certification that it would utilize the electrical subcontractors identified in the bid proposal and provides in part that:

By initialing the entries herein, the bidder indicates that the required items have been included with the Bid as required herein.

<u>Initials</u>	<u>Items</u>
***	***
PM	A listing of subcontractors that complies with <u>N.J.S.A. 40A:11-16</u> .

	<u>Certification</u>

I hereby certify that I have enclosed with the Bid, each of the items initialed above.

; and

WHEREAS, PM's bid proposal clearly identified the electrical subcontractors and the scope of work each would perform thereby eliminating PM's ability to "bid shop", eliminating PM's discretion in using other electrical subcontractors and the discretion of the Township to award the contract to another bidder; and

WHEREAS, PM's bid proposal included the required Certificate of Surety and Bid Bond providing the financial assurance that PM and its subcontractors would complete the contract, and included certifications regarding PM's truth as to the matters set forth in its bid proposal at pages B-17, B-30, B-31, B-42 and B-44; and

WHEREAS, the Township Engineer recommends an award to PM contingent upon the Township receiving authorization from the New Jersey Department of Environmental Protection to award; and

WHEREAS, the Township Committee of the Township of Chatham finds PM's bid proposal responsive because it complies with N.J.S.A. 40A:11-16(b) identifying the subcontractors that will perform a specific scope of work and that the bid proposal contains a certification that the subcontractors will perform the identified scope of work and hereby awards a contract in the sum of \$2,344,008.80 to PM for the construction of the Chatham Glen Pump Station & Force Mains; and

WHEREAS, the Township's Chief Financial Officer certified that sufficient funds are available to make this award.

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

1. That the bid proposal of MSP is hereby rejected as nonresponsive.
2. That the bid proposal of PM in the sum of \$2,344,008.80 is found to be the lowest responsive bid and that an award is hereby made to PM.
3. That the award to PM is contingent upon the Township receiving authorization to award from the New Jersey Department of Environmental Protection.
4. That the Bid Bonds and Certificates of Surety of the unsuccessful bidders be returned as required by the Local Public Contracts Law.
5. That a copy of this Resolution be sent to all of the bidders.
6. That this Resolution shall take effect immediately.

Deputy Mayor Ritter moved to pass Resolution 2014-040. Committeewoman Abbott seconded the motion.

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

RESOLUTION 2014-048
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPOINTING A POLICE DEPARTMENT
ADMINISTRATIVE SECRETARY

BE IT RESOLVED Susan Marotta be appointed to the position of Police Department Administrative Secretary for 35 hours per week at an annual salary of \$30,000 effective January 28, 2014. All other terms and conditions of employment are as contained in the Employee Manual dated March 2012 as may be amended from time to time.

Committeeman Brower moved to pass Resolution 2014-048. Committeewoman Abbott seconded the motion.

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

Deputy Mayor Ritter moved to adjourn at 11:38 PM. Committeewoman Abbott seconded the motion and it carried unanimously.

Gregory J. LaConte
Township Clerk