

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

May 28, 2015
May 27, 2015 Draft

Meeting Called to Order

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 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Flag Salute

Roll call

Approval of Agenda

Proclamation – Emergency Medical Services Week

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 2015-12 Multi-Purpose Bond Ordinance

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 2015-106 Receipt of Reports
2. Resolution 2015-107 Approving Meeting Minutes
3. Resolution 2015-108 Approving Executive Session Minutes
4. Resolution 2015-109 Settling Haverty Tax Appeal
5. Resolution 2015-110 Refunding Permit Fee
6. Resolution 2015-111 Amending 2015 Municipal Budget – Clean Communities Grant
7. Resolution 2015-112 Refunding Overpayment of Taxes
8. Resolution 2015-113 Releasing Escrow Balances

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* - Resolution 2015-P-06

1. Pending or anticipated litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan
2. Personnel: Board Appointments

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

ORDINANCE 2015-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,600,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and a new fire engine, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW"), including, but not limited to, a backhoe.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 5,000

Bonds and Notes Authorized	\$ 95,000
Period of Usefulness	15 years

B. Undertaking of improvements to various roads, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 950,000
Down Payment Appropriated	\$ 47,500
Bonds and Notes Authorized	\$ 902,500
Period of Usefulness	10 years

C. Undertaking of improvements to various public buildings, including, but not limited to, exterior improvements to the Municipal Building. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment and various items of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 200,000
Down Payment Appropriated	\$ 10,000
Bonds and Notes Authorized	\$ 190,000
Period of Usefulness	5 years

E. Undertaking of various improvements to Colony Pool, including, but not limited to, replacement of fencing.

Appropriation and Estimated Cost	\$ 10,000
Down Payment Appropriated	\$ 500
Bonds and Notes Authorized	\$ 9,500
Period of Usefulness	15 years

F. Acquisition of a new fire engine, including original apparatus and equipment, for the use of the Green Village Fire Department.

Appropriation and Estimated Cost	\$1,040,000
Down Payment Appropriated	\$ 52,000

Bonds and Notes Authorized	\$ 988,000
Period of Usefulness	10 years

G. Funding the Township's portion of the cost of undertaking various improvements to the Library of The Chathams. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 250,000
Down Payment Appropriated	\$ 12,500
Bonds and Notes Authorized	\$ 237,500
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$2,600,000
Aggregate Down Payment Appropriated	\$ 130,000
Aggregate Amount of Bonds and Notes Authorized	\$2,470,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$130,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$130,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$130,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$2,470,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$2,470,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at

any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.40 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,470,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: May 14, 2015

Adopted:

Attest:

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

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-106

**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 – April
CFO – April
Fire Official – January, February, March
Police Department – April
Tax Collector – April

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-108

**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 May 14, 2015.

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2015-109

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEALS OF THOMAS P. HAVERTY AND VALERIE K. HAVERTY

WHEREAS, Thomas P. Haverty and Valerie K. Haverty have appealed their assessments for the years 2011, 2012, 2013, 2014 and 2015 in the Tax Court of New Jersey, Docket Nos. 10009-2011, 11428-2012, 9576-2013, 1072-2014 and 4238-2015, respectively; and

WHEREAS, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of these appeals;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and the Special Counsel shall be authorized to execute a Stipulation of Settlement for the years 2011, 2012, 2013, 2014 and 2015 in the following amounts:

BLOCK: 34
LOT: 22.10
STREET ADDRESS: 5 Molino Drive
YEAR: 2011

	Original Assessment	County Board Judgment	Requested 2011 Tax Court Judgment
Land:	\$ 634,000.00	Direct Appeal	WITHDRAWN
Improvements:	\$ <u>975,700.00</u>		
Total:	\$1,609,700.00		

BLOCK: 34
LOT: 22.10
STREET ADDRESS: 5 Molino Drive
YEAR: 2012

	Original Assessment	County Board Judgment	Requested 2012 Tax Court Judgment
Land:	\$ 634,000.00	Direct Appeal	\$ 634,000.00
Improvements:	\$ <u>975,700.00</u>		\$ <u>816,000.00</u>
Total:	\$1,609,700.00		\$1,450,000.00

BLOCK: 34
LOT: 22.10
STREET ADDRESS: 5 Molino Drive
YEAR: 2013

	Original Assessment	County Board Judgment	Requested 2013 Tax Court Judgment
Land:	\$ 634,000.00	Direct Appeal	\$ 634,000.00
Improvements:	\$ <u>975,700.00</u>		\$ <u>716,000.00</u>
Total:	\$1,609,700.00		\$1,350,000.00

BLOCK: 34
LOT: 22.10
STREET ADDRESS: 5 Molino Drive
YEAR: 2014

	Original Assessment	County Board Judgment	Requested 2014 Tax Court Judgment
Land:	\$ 634,000.00	Direct Appeal	\$ 634,000.00
Improvements:	<u>\$ 975,700.00</u>		<u>\$ 716,000.00</u>
Total:	\$1,609,700.00		\$1,350,000.00

BLOCK: 34
LOT: 22.10
STREET ADDRESS: 5 Molino Drive
YEAR: 2015

	Original Assessment	County Board Judgment	Requested 2015 Tax Court Judgment
Land:	\$ 634,000.00	Direct Appeal	\$ 634,000.00
Improvements:	<u>\$ 975,700.00</u>		<u>\$ 716,000.00</u>
Total:	\$1,609,700.00		\$1,350,000.00

Interest due on any refund will be waived by plaintiffs, provided the plaintiffs receive payment of the total refund due within 60 days following the date of entry of Judgment by the Tax Court.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

Adopted: March 26, 2015

TOWNSHIP OF CHATHAM IN
 THE COUNTY OF MORRIS

Attest:

 Gregory J. LaConte, Clerk

By _____
 Kevin M. Sullivan, Mayor

#578627

RESOLUTION 2015-110

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING ROAD OPENING PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for a construction permit that was submitted to the Township in error;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Par-Troy Sheet Metal & Air Conditioning LLC 122 Clinton Road Fairfield, NJ 07004	14-0598	\$179.00

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-111

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2015 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 has received \$22,493.77 from the State of New Jersey Clean Communities Program and wishes to amend its 2015 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 2015 in the sum of \$22,493.77 which is now available as a revenue from:

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

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$22,493.77 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

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

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on May 28, 2015.

Date Issued: _____

Township Clerk

RESOLUTION 2015-112

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 & ADDRESS</u>	<u>AMOUNT</u>
64.04	14.01	MacDonald, Donald & Joan 178 Riveredge Drive Chatham, NJ 07928	\$592.27 (2 nd qtr 2015 tax)
64.05	11.03	Ziering, Nancy 6557 Grande Orchid Way Delray Beach, FL 33446 Property address: 14 I Heritage Drive Chatham, NJ 07928	\$982.77 (2 nd qtr 2015 tax)
74	35	Maxworthy, Emily 3108 Johnson Circle Bridgewater, NJ 08807 Property address: 14 Whitman Drive Chatham, NJ 07928	\$977.76 (2 nd qtr 2015 tax)

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-113

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>
Larry & Joanne White 791 River Road Chatham, NJ 07928	BOA 11-40-8	7761692875	\$47.50

Adopted: May 28, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-P-06

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. Pending or anticipated litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan
 - b. Personnel: Board Appointments
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: May 28, 2015

Attest:

Gregory LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

By _____
Kevin M. Sullivan, Mayor