

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

June 25, 2015

June 22, 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

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.

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 2015-123 Receipt of Reports
2. Resolution 2015-124 Approving Meeting Minutes
3. Resolution 2015-125 Approving Executive Session Minutes
4. Resolution 2015-126 Approving Noe Pond Club Fireworks
5. Resolution 2015-127 Renewing Madison Health Department Interlocal Service Contract
6. Resolution 2015-128 Urging Congress to Change CDBG Laws Re: VFW & American Legion
7. Resolution 2015-129 Approving Change Order for Shunpike Sidewalk Improvements
8. Resolution 2015-130 Authorizing Filing of Declaratory Judgment Action
9. Resolution 2015-131 Authorizing Planner to Provide Support Services in Declaratory Judgment Action and to Prepare an Amendment to Housing Element & Fair Share Plan
10. Resolution 2015-132 Authorizing Retaining of an Expert for Declaratory Judgment Action
11. Resolution 2015-133 Authorizing Six-Month Lease Extension with T-Mobile
12. Resolution 2015-134 Authorizing Renewal of Liquor License

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* - If Necessary

Adjourn

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

RESOLUTION 2015-123

**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 – May
CFO – May
Tax Collector – May

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2015-124

**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 June 11, 2015.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2015-125

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 June 11, 2015.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2015-126

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR EVENT AT NOE POND CLUB

WHEREAS, state regulations require municipal governing body approval for the use of fireworks displays; and

WHEREAS, the Township has received an application to conduct a fireworks display conducted by Garden State Fireworks, Inc. for a social event on July 18, 2015, to take place at the Noe Pond Club on Southern Boulevard, Chatham, New Jersey; and

WHEREAS, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves the fireworks application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-127

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CHATHAM AND THE BOROUGH OF MADISON FOR HEALTH SERVICES FOR YEARS 2016, 2017, 2018, 2019 AND 2020.

WHEREAS, the Township Committee of the Township of Chatham is desirous of continuing a contract with the Board of Health of the Borough of Madison for furnishing health services of a technical and professional nature;

WHEREAS, the Program Proposal for Health Services January 1, 2016 - December 31, 2020 meets the Township's approval,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham hereby authorizes the Mayor to enter into an agreement with the Board of Health of Madison for the rendition of services to the Township of Chatham during the years 2016, 2017, 2018, 2019 and 2020.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-128

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, URGING CONGRESS TO CHANGE FEDERAL LAW TO ENSURE THAT VETERANS' ORGANIZATIONS ARE ELIGIBLE FOR CDBG FUNDING

WHEREAS, the Veterans of Foreign Wars (VFW) and the American Legion, through local posts, provide a host of invaluable services to veterans in New Jersey and all across the United States, including benefits assistance, career services, financial assistance, homeless outreach, and comforting and support services; and

WHEREAS, VFW and American Legion posts also provide several important services for local communities, including various youth, educational, and patriotic programs, as well as scholarships; and

WHEREAS, VFW and American Legion posts have also served as warming and charging stations for the public during emergencies such as Superstorm Sandy and Hurricane Irene, and have provided shelter to people in need; and

WHEREAS, notwithstanding the critical services provided by VFW and American Legion posts to veterans and the public, some posts may be deemed ineligible for federal Community Development Block Grant (CDBG) funding for public facilities and improvements under current federal Housing and Urban Development regulations; and

WHEREAS, Assemblyman Anthony M. Bucco has submitted letters to New Jersey's congressional delegation calling for changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding, which the Township Committee of the Township of Chatham supports; and

WHEREAS, given the extraordinary contributions of our veterans, both during and after their military service, it is altogether fitting and proper for the Township Committee of the Township of Chatham to urge its congressional representatives to seek changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham hereby supports the efforts of Assemblyman M. Bucco and respectfully requests that the Congress of the United States revise federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to each member of the Congress of the United States elected thereto from the State of New Jersey.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

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 an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on June 25, 2015.

Date Issued: _____

Township Clerk

DRAFT

RESOLUTION 2014-129

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH CIFELLI & SON FOR IMPROVEMENTS TO SHUNPIKE SIDEWALKS

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, Cifelli & Son, with address at 81 Franklin Ave, Nutley, NJ 07110 for Shunpike Sidewalk Improvements in the amount of \$216,745.00;

WHEREAS, the final as-built cost of the project is \$213,600.00, \$3,135.00 less than the original Contract amount;

WHEREAS, the project was substantially complete on or about June 2015;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves a Contract reduction of \$3,135.00 to reflect the as-built cost of the Shunpike Sidewalk Improvements project,

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-130

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF CHATHAM ATTORNEY TO FILE A DECLARATORY JUDGMENT ACTION

WHEREAS, the Township of Chatham desires to file a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County, in furtherance of the New Jersey Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), transferring the administration of affordable housing from the Council on Affordable Housing to the judiciary; and

WHEREAS, it is the purpose of this Resolution to authorize the Township Attorney to file a Declaratory Judgment Action consistent with the Supreme Court Decision no later than July 8, 2015.

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 Township of Chatham desires to file a Declaratory Judgment Action in furtherance of the Supreme Court Decision.
2. The Township of Chatham Attorney is hereby authorized to file the Declaratory Judgment Action consistent with the Supreme Court Decision no later than July 8, 2015.
3. This Resolution shall take effect immediately.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-131

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF CHATHAM PLANNER TO PROVIDE SUPPORT SERVICES IN THE DECLARATORY JUDGMENT ACTION AND PREPARE AN AMENDMENT TO THE HOUSING ELEMENT AND FAIR SHARE PLAN, IF NECESSARY

WHEREAS, the Township of Chatham desires to file a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County, in furtherance of the New Jersey Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), transferring the administration of affordable housing from the Council on Affordable Housing to the judiciary; and

WHEREAS, it is the purpose of this Resolution to increase the amount of the Township's Professional Planner, Frank Banisch, P.P., contract by an amount not to exceed \$_____ for the Township Planner to provide support services in the Declaratory Judgment Action and prepare an amendment to the Township's Housing Element and Fair Share Plan, if necessary.

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 contract of the Township of Chatham Planner, Frank Banisch, P.P., is hereby increased by an amount not to exceed \$_____ for the Township Planner to provide support services in the Declaratory Judgment Action and prepare an amendment to the Township's Housing Element and Fair Share Plan, if necessary.
2. This Resolution shall take effect immediately.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-132

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING THE TOWNSHIP OF CHATHAM RETAINING AN EXPERT FOR
THE DECLARATORY JUDGMENT ACTION**

WHEREAS, the Township of Chatham anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Somerset County, in furtherance of the New Jersey Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), transferring the administration of affordable housing from the Council on Affordable Housing to the judiciary; and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, prepared what it considers to be the statewide fair share numbers ("FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Chatham desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology ("Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author, agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000.00; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000.00; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000.00, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare a Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (“MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (“Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above; and (b) so that the rights and responsibilities of each municipality that wishes to sign the Agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers Agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000.00 fee; and

WHEREAS, it is imperative, given the time constraints, for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000.00 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers Agreement following execution of the MSSDA and the payment of the \$2,000.00 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000.00 payment as more specifically set forth in the MSSDA.

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 terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000.00 is hereby authorized to be expended by the Township of Chatham for Rutgers through Dr. Robert Burchell, Principal Investigator, to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Chatham.
4. The Mayor and Clerk are hereby authorized to execute the MSSDA to memorialize the participation of the Township of Chatham in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.

5. The Township of Chatham hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Chatham the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Jeffrey R. Surenian, Esq., of the changes, the Township of Chatham will inform Mr. Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000.00 paid.
7. This Resolution shall take effect immediately.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2015-133

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A SIX MONTH EXTENSION OF THE LEASES WITH T-MOBILE NORTHEAST, LLC.

WHEREAS, after a bidding process, the Township of Chatham entered into two (2) Land Lease Agreements with T-Mobile Northeast, LLC, for municipal property located on (i) Spring Street and (ii) River Road for the placement of temporary cell towers; and

WHEREAS, the Spring Street Lease expires on July 1, 2015; and

WHEREAS, the River Road Lease expires on August 31, 2015; and

WHEREAS, each Lease allowed for at least one (1) six (6) month extension; and

WHEREAS, T-Mobile requested that each Lease be extended for six (6) months as provided in each Lease and for the rents stated in each Lease to allow for the transition of moving to the Public Service Electric & Gas Company transmission liens.

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 Township of Chatham hereby agrees to a six (6) month extension to the Land Lease Agreement as provided therein.
2. The Mayor and Clerk are authorized to sign any necessary extension documents.
3. This Resolution shall take effect immediately.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2015-134

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2015

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2015 has been made by Chattam Wine & Liquor LLC;

WHEREAS, the applicant has complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2015, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-006).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Adopted: June 25, 2015

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. 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 June 25, 2015.

Township Clerk