

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**JULY 16, 2015**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:37 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 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.

**Roll Call**

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

**Approval of Agenda**

The Agenda was approved as written.

**Presentations**

**Police Department Accreditation**

Mayor Sullivan praised the Chatham Township Police Department for receiving accredited status from the NJ State Association of Chiefs of Police (NJSACP).

Harry J. Delgado, the Accreditation Program Manager for NJSACP, addressed the accreditation process, and complimented the Police Department on their efforts. He also discussed the value of being an accredited law enforcement agency. Mr. Delgado also congratulated the Police Department on achieving accredited status, and presented Mayor Sullivan and Chief Hennelly with the Certificate of Accreditation.

Chief Hennelly also addressed the process that the Police Department underwent to achieve accreditation. He thanked Mr. Delgado for presenting the Certificate of Accreditation. He also thanked the Mayor Sullivan, former Mayor Hagner, Administrator Ciccarone and all the current and former Township Committee members who supported the Department in this effort. Chief Hennelly further thanked Lt. Miller and retired Lt. Kazaba for guiding the accreditation process, and recognized the officers in the department for their work.

Committeeman Gallop noted that positive changes have been made in the Police Department during his time on the Township Committee. He complimented Chief Hennelly on his leadership skills and in bringing about positive changes in the Department.

Mayor Sullivan noted the Township Committee will shortly take a recess to join the Police Department for refreshments.

**Lighttower Fiber Networks**

Anthony Barone, Vice President and General Manager for Operations at Lighttower Fiber Networks (LFN), made a presentation to the Township Committee. LFN is seeking permission to run 3,700 feet of fiber optic cable through the Township to make a connection between Florham Park and Fanwood. The cables would be run on Verizon's poles. Mayor Sullivan asked if LFN needs the Township's approval, as they already have BPU approval. Attorney Cruz said that it is important for governing bodies to be aware of such work when it happens in their municipalities. He also noted that LFN does in fact have BPU permission, however municipal consent is required because the poles are within the municipal right-of-way. An ordinance will be needed in order for municipal consent to be granted. Attorney Cruz said that he will have an ordinance prepared for consideration at the August 13<sup>th</sup> Township Committee

meeting. Mayor Sullivan asked if the fiber optic network is something that Township residents would benefit from, or if the cables are simply passing through the Township. Mr. Barone said that LFN deals with commercial institutions, and they have customers in Florham Park and Watchung. Attorney Cruz asked if any road opening permits will be needed. Mr. Barone said that there will not be any road opening permits needed, and they will work with the Police Department for traffic control when the work is performed. The work is anticipated to last for three days, and LFN has the necessary insurance. Deputy Mayor Ritter asked if LFN only services commercial customers. Mr. Barone said that they only have commercial clients, and once the network is installed they will canvass the area for potential customers.

### **Hearing of Citizens/Petitions**

Mayor Sullivan opened the Hearing of Citizens.

1. Ron Gunn, 41 Fairview Ave (Madison), the developer at High Gate at Chatham, reviewed the progress at the development. He also noted that some required items cannot currently be performed due to a stop-work order. Mayor Sullivan noted that work is not to be performed on Sundays, and some neighbors have reported pickup of equipment on Sundays. Attorney Cruz said that Mr. Gunn was before Municipal Court on July 14<sup>th</sup>, and the judge has not yet tried the summonses. At the next Municipal Court date, the case will be tried if Mr. Gunn does not proceed with the representations he made before the Court.
2. Martin Blumenthal, 99 Long View Ave, asked if the Township will take over the plowing of the road once the first coat is paved. Attorney Woodward said that it would still be the responsibility of the developer at that point. Mr. Blumenthal asked that the Township require the second coat be put down and take over responsibility of plowing, as the Township does a better job at plowing than the developer did this past winter. Mayor Sullivan said that the Township will look into what options are available. Attorney Cruz said that he would speak with Administrator Ciccarone and Engineer Ruschke on how to address this issue. Mr. Blumenthal said that the Planning Board approval was for utility lines to be underground. He asked if the plans have changed, as he has not seen that work performed. Attorney Cruz said that he would have to check with Engineer Ruschke to see what the approved plans show.

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

The Township Committee took a recess at 8:18 PM.

The Township Committee returned to open session at 8:45PM.

### **Reports**

Committeewoman Swartz reported that the Department of Public Works is continuing with road maintenance efforts. The Nash Field drainage project is also about 75% finished.

Committeeman Kelly reported that he and Mayor Sullivan had a walk-through of the Giralda Farms open space tract with representatives from the Great Swamp Watershed Association and the NJ Conservation Foundation. Thought is being given as to what projects can be performed on the site. Committeeman Kelly also reported that there are two Township vacancies on the Community Garden Committee, and all Township-resident plot holders are welcome to submit their names for consideration to fill those vacancies. Committeeman Kelly also asked that the Township Committee receive information on the Safe Routes to School effort. Mr. LaConte said that he does not currently have the Safe Routes to School Committee's reports, and he will check with Engineer Ruschke to see if he has the reports. Committeeman Gallop asked Mr. LaConte to provide the Township Committee excerpts when reports were made on Safe Routes to School.

Committeeman Gallop reported on the drainage improvements at Nash Field.

Deputy Mayor Ritter reported that Colony Pool has had a successful year thus far. A recent open house resulted in two new signups. There was also a successful movie night and a Float Day event. Having the Fairmount Country Store run the snack bar has also been well received. Deputy Mayor Ritter also said that memberships are up 8% over 2014. Regarding the Public

Safety Committee, Deputy Mayor Ritter congratulated the Police Department on receiving accreditation. He also reported that there are four neighborhood watch units underway, with three more planned. Anyone wishing to start a neighborhood watch unit can contact Officer Bloom at the Police Department. Deputy Mayor Ritter further reported that the annual National Night Out will be held on August 4<sup>th</sup>. Regarding the Communications Committee, Deputy Mayor Ritter reported that the newsletter for July/August will be released soon.

Mayor Sullivan reported that the Library is continuing its movie review program. There is also a teen & adult book club. The Library will also be honoring World War II veterans in honor of the 70<sup>th</sup> anniversary of the end of the War.

Attorney Cruz reported that the Declaratory Judgment complaint regarding COAH was filed on time.

### **Introduction of Ordinances**

#### **ORDINANCE 2015-13**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING UNIFORM CONSTRUCTION CODE FEES REGARDING PLUMBING SUBCODE FEES AND FIRE SUBCODE FEES**

**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 amended to provide for modifications to Chapter XI, Building and Housing, Section 11-1.3, Fees, to establish and amend certain fees under the Uniform Construction Code for Plumbing Subcode Fees and Fire Subcode Fees, as follows:

1. Subsection 11-1.3.b. is amended to add the following:
  - (e) For installation of a chimney lining system, the fee shall be a minimum fee of \$30.00, unless the installation occurs at time of heating appliance replacement for which the fee shall be \$15.00.
  - (f) For the installation of a duct work for a new air conditioning system in an existing house, the fee shall be \$65.00
2. Subsection 11-1.3.d.3 is amended as follows:
  3. For the installation of each solid fuel burning or fuel fired appliance and gas fireplace in a new residential building, the fee shall be \$65.00 per appliance.
3. Subsection 11-1.3.d.7 is hereby repealed.
4. All other terms and provisions of Chapter XI shall remain unchanged.
5. This ordinance shall take effect as provided by law.

Mayor Sullivan said that the ordinance moves the chimney inspection fee from the fire subcode to the plumbing subcode. This ordinance is also based on recommendations from the Department of Community Affairs. Mr. LaConte noted that he was informed by the Construction Official that this ordinance will save residents money, as they will only need one permit for the installation of a chimney lining system whereas in the past they would have needed two.

Deputy Mayor Ritter moved to introduce Ordinance 2015-13. Committeewoman Swartz seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-13 will be scheduled for August 13, 2015.

**Resolutions**

**RESOLUTION 2015-135  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROPRIATING  
EMERGENCY FUNDS**

**WHEREAS**, an emergency has arisen with respect to complying with the New Jersey Supreme Court order regarding municipal compliance with the Mount Laurel constitutional obligation relative to Affordable Housing and the Fair Housing Act, and

**WHEREAS**, no adequate provision was made in the 2015 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the Township has received a proposal from the Township's planner Frank Banisch of Banisch Associates, Inc. to provide planning services to assist the Township in preparing an amended Master Plan Housing Element and Fair Share Plan, and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$30,000 and three (3) percent of the total operating appropriations in the budget for 2015 is \$388,000; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2015.

**NOW, THEREFORE, BE IT RESOLVED**, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Other Expenses \$30,000.00 for a total in the amount of \$30,000.00.
2. That said emergency appropriation shall be provided for in full in the 2016 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Mayor Sullivan said that this emergency appropriation is in regard to work that the Township Planner may perform on account of the recent NJ Supreme Court ruling on COAH. Mr. LaConte noted that this resolution is being voted on separately because the appropriation needs to be made prior to passing the resolution to authorize the work.

Deputy Mayor Ritter moved to pass Resolution 2015-135. Committeewoman Swartz seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

**Consent Agenda**

**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 \$30,000.00 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 \$30,000.00 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.

**RESOLUTION 2015-136**

**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 \$951,399.43 and the prior month's payroll of \$430,712.55 Current Fund, \$53,613.85 Sewer No. 1, \$11,514.21 Sewer No. 2, and \$40,700.70 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of July 2015, in the amount of \$3,660,088.00 be paid.

**RESOLUTION 2015-137**

**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 – June  
Tax Collector – June  
Fire Official – April, May, June  
Vital Statistics – 2<sup>nd</sup> Quarter  
Dog/Cat Licensing Official – 2<sup>nd</sup> Quarter  
State Training Fees – 2<sup>nd</sup> Quarter  
Raffle Licenses – 2<sup>nd</sup> Quarter

**RESOLUTION 2015-138**

**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 25, 2015.

**RESOLUTION 2015-139**

**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**, 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 CB Chatham LLC and Fairmount Country Club;

**WHEREAS**, the applicants have 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 and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2015, as follows:

To CB Chatham LLC, for premises situated at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-009).

**BE IT FURTHER RESOLVED** that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2015, as follows:

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (License # 1405-33-001-002).

**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.

**RESOLUTION 2015-140**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REFUNDING THIRD-PARTY POLICE SERVICES ESCROW ACCOUNT OVERPAYMENT TO PM CONSTRUCTION CORP**

**WHEREAS**, the Township, pursuant to Section 2-49 of the Code of the Township of Chatham, has established a policy regarding the employment of off-duty police officers by private employers for matters involving safety and security; and

**WHEREAS**, Section 2-49.2 authorizes the establishment of an escrow account for the deposit of funds paid by private employers in advance of the rendering of such security and safety services; and

**WHEREAS**, PM Construction Corp. has deposited funds in an escrow account for such employment; and

**WHEREAS**, after expenses the account has a remaining balance of \$80.00 to be refunded;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Treasurer of the Township of Chatham is hereby authorized to refund from the Third-Party Police Services Escrow Account to PM Construction Corp. the sum of \$80.00.

**RESOLUTION 2015-141**

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

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

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
12	7	Otis, Ronald 3024 Hurley Pond Road Wall Township, NJ 07719  Former Owner Of: 174 Meyersville Road	\$3,141.46
126	1	Krawiec, Craig & Carla 21 Sandy Hill Road Chatham, NJ 07928	\$14,617.77

**RESOLUTION 2015-142**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**CHATHAM CERTIFYING REVIEW OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

**R.S. 52:27BB-52:** A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION 2015-143**  
**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE**  
**OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL ALLIANCE COMMITTEE TO**  
**SUBMIT A GRANT APPLICATION FOR THE FISCAL YEAR 2016**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Chatham Municipal Alliance grant for fiscal year 2016 in the amount of:

DEDR	\$20,073
Cash Match	\$5,018.25
In-Kind	\$15,054.75

- The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION 2015-144**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING COLONY POOL MEMBERSHIP FEE**

**WHEREAS**, a registration fee was paid for a Colony Pool Membership; and  
**WHEREAS**, a refund of the registration fee has been requested;  
**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made:

<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
Megan O'Donnell 79 N. Passaic Ave Chatham, NJ 07928	\$550.00

**RESOLUTION 2015-145**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING CERTIFICATION OF SMOKE DETECTORS COMPLIANCE INSPECTION FEE**

**WHEREAS**, the Township Committee has considered the request submitted by the Fire Official with regard to the fee that was paid for an inspection for Smoke Detector & Carbon Monoxide Alarm & Portable Fire Extinguisher Compliance that was deemed unnecessary;  
**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>AMOUNT</u>
Lois Puttbach 38 Meyersville Road Chatham, NJ 07928	\$50.00

**RESOLUTION 2015-146**  
**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>
Michael & Shannon Dalphe 27 Falmouth Road Chatham, NJ 07928	BOA 14-89-10	7763179297	\$481.50

Thomas Mellina 91 Westminster Road Chatham, NJ 07928	ROI 13-48.09-18	7761693445	\$234.00
Distinctive of Essex 141 Hillcrest Ave Summit, NJ 07901	ROI 14-102.11-10.01 Re: 340 Lafayette Ave	7761693600	\$622.00
Chatham Main 143 Main Street Chatham, NJ 07928	ROI 13-102.06-27 Re: 58 Dale Dr	7761693451	\$388.88
Bryce Bushell 16 Club Road Chatham, NJ 07928	ROI 08-15-5	7760011312	\$466.67

**RESOLUTION 2015-147**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF CHATHAM AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING \$6,900,750 OF NOTES CONSISTING OF \$6,071,750 GENERAL BOND ANTICIPATION NOTES AND \$829,000 SEWER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED JULY 17, 2015 AND PAYABLE JULY 13, 2016, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED**

**WHEREAS**, the Township of Chatham, in the County of Morris, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Township intends to issue \$6,900,750 of Notes consisting of \$6,071,750 General Bond Anticipation Notes and \$829,000 Sewer Utility Bond Anticipation Notes, both issues dated July 17, 2015 and payable July 13, 2016 (collectively, the "Notes"); and

**WHEREAS**, the Township desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

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

**SECTION 1.** The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

**SECTION 2.** The Mayor, Township Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

**SECTION 3.** The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

**SECTION 4.** It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any,

do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2015.

**SECTION 5.** It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2015.

**SECTION 6.** The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 7.** The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2015 dated as of the date of delivery of the Notes.

**SECTION 8.** This resolution shall take effect immediately upon its adoption. The foregoing resolution was adopted by the following roll call vote:

Ayes: Sullivan, Ritter, Gallop, Kelly, Swartz

Nays: None

Deputy Mayor Ritter noted a typographical error in the title for Resolution 2015-144.

Committeeman Kelly moved to approve the Consent Agenda. Mayor Sullivan seconded the motion.

**Roll call:** Committeeman Gallop, Aye (Abstain on Resolution 2015-139); Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye (Abstain on Resolution 2015-139);; Mayor Sullivan, Aye.

#### **Hearing of Citizens/Petitions**

Mayor Sullivan opened the Hearing of Citizens.

Seeing no public coming forward, Mayor Sullivan closed the Hearing of Citizens.

#### **Discussion**

##### **ARC Morris Request**

Mr. LaConte explained that ARC Morris, who operates a group home in the Township, submitted to the Township a contribution in lieu of taxes. The Township has, in prior years, traditionally returned the funds back to ARC Morris. The Township Committee signified their consensus that the check be sent back.

#### **Executive Session**

##### **RESOLUTION 2015-P-08**

#### **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 litigation: Hopkins v. Chatham Township et al

- b. Pending litigation: Rieck v. Chatham Township
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.

Mayor Sullivan announced that the Township Committee anticipates taking action following Executive Session.

Committeeman Kelly moved to pass Resolution 2015-P-08 to enter Executive Session at 9:05 PM. Deputy Mayor Ritter seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee returned to Public Session at 9:35 PM.

### **Resolutions**

**RESOLUTION 2015-148**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE**  
**TOWNSHIP ATTORNEY TO SIGN A CONSENT ORDER FOR THE SETTLEMENT**  
**OF HOPKINS V. CHATHAM BOROUGH ET AL**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham hereby authorizes the Township Attorney to sign a Consent Order for the settlement of Hopkins V. Chatham Borough et al in the form attached.

Mayor Sullivan said that this resolution authorizes Attorney Cruz to sign a consent order in regard to the matter of Hopkins v. Chatham Township et al.

Deputy Mayor Ritter moved to pass Resolution 2015-148. Committeeman Kelly seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The meeting was adjourned at 9:37 PM.

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Gregory J. LaConte  
Township Clerk