

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

October 13, 2016

October 12, 2016 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 8, 2016; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2016; and notice was filed with the Township Clerk on January 8, 2016.

Flag Salute – Chatham Township Fire Department

Roll call

Approval of Agenda

Proclamations

1. National Domestic Violence Awareness Month
2. Fire Prevention Awareness 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.

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 2016-191 Payment of Bills
2. Resolution 2016-192 Approving Meeting Minutes
3. Resolution 2016-193 Approving Executive Session Minutes
4. Resolution 2016-194 Designating an \$800,000 Sewer Utility Bond Anticipation Note
5. Resolution 2016-195 Authorizing Submission of DOT Grant Application for River Road & Southern Boulevard Sidewalk Improvements
6. Resolution 2016-196 Certifying Continual Ownership & Maintenance of River Road & Southern Boulevard Sidewalk Project
7. Resolution 2016-197 Adopting Procedures Manual for the Use of Federal Funds
8. Resolution 2016-198 Refunding Overpayment of Taxes
9. Resolution 2016-199 Rejecting Bids and Authorizing Re-Bid for Electrical Improvements & Fuel Storage Tank
10. Resolution 2016-200 Authorizing the Filing of a Green Acres Program Pre-Application Local Park Land-Major Disposal/Diversion

Discussion: possible ordinance or resolution

1. Zoning Designation for Chestnut Road (R3 vs. R4)
2. Bear Hunting

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2016-P-15

1. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
2. Property acquisition or investment options: Open Space

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 2016-191

**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 \$625,922.80 and the prior month's payroll of \$407,089.55 Current Fund, \$42,635.66 Sewer No. 1, \$8,103.98 Sewer No. 2, and \$8,333.12 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2016, in the amount of \$2,963,374.00 be paid.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-192

**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 September 22, 2016.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-193

**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 September 22, 2016.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-194

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING AN \$800,000 SEWER UTILITY BOND ANTICIPATION NOTE, DATED SEPTEMBER 28, 2016 AND PAYABLE JULY 13, 2017, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" 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"), intends to issue an \$800,000 Sewer Utility Bond Anticipation Note, dated September 28, 2016 and payable July 13, 2017 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the Note is not a "private activity bond" 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 2016.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2016, viz:

<u>Amount</u>	<u>Dated - Due</u>
\$7,319,500 BANS	7/13/16 - 7/13/17

SECTION 4. 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, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2016 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-195

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTHERN BOULEVARD & RIVER ROAD SIDEWALK IMPROVEMENT PROJECT

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Chatham formally approves the grant application for the above state project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as TA-2016-Southern Boulevard & River Road Side-00052, to the New Jersey Department of Transportation on behalf of Township of Chatham.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-196

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING AND CERTIFYING THE CONTINUAL OWNERSHIP AND MAINTENANCE BY THE TOWNSHIP OF CHATHAM FOR THE USEFUL LIFE OF THE PROJECT AFTER THE CONSTRUCTION IS COMPLETED FOR THE SOUTHERN BOULEVARD & RIVER ROAD SIDEWALK IMPROVEMENT PROJECT PROPOSED IN THE 2016 NEW JERSEY DEPARTMENT OF TRANSPORTATION, TRANSPORTATION ALTERNATIVES PROGRAM GRANT APPLICATION

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Chatham formally certifies the continual ownership and maintenance by the Township of Chatham for the useful life of the project after the construction is completed.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as TA-2016-Southern Boulevard & River Road Side-00052, which includes the aforementioned maintenance agreement, to the New Jersey Department of Transportation on behalf of Township of Chatham.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-197

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ADOPTING A POLICIES AND PROCEDURES MANUAL FOR THE MANAGEMENT OF FEDERAL PROJECTS

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham as follows:

1. The Policies & Procedures Manual for the Management of Federal Projects, on file with the Township Clerk dated June 22, 2015 and revised on September 16, 2016, is hereby adopted.
2. The Township Administrator is designated as the municipal agent responsible for overseeing the enforcement of said Manual.
3. The Township Administrator is authorized to make minor edits to the Manual.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-198

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 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>
64.05	3.08	Furniss, William F 21B Heritage Drive Chatham, New Jersey 07928	\$2,133.39 (1 st qtr 2014) \$ 535.29 (1 st qtr 2016) <u>\$1,075.29 (2nd qtr 2016)</u> \$3,743.97 TOTAL Totally Disabled Veteran Overpayment of Taxes
48.04	39	Fearon, Terrence J 6 Glenmere Drive Chatham, New Jersey 07928	\$1,864.70 3 rd Quarter 2016 Totally Disabled Veteran Overpayment of Taxes

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-199

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2016 ELECTRICAL IMPROVEMENTS AND FUEL STORAGE TANK PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids an Electrical Improvements and Fuel Storage Tank Project; and

WHEREAS, the bid received on September 22, 2016 exceeded the estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, it is the recommendation of the Township Engineer that the bids be rejected;

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, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Electrical Improvements and Fuel Storage Tank Project.

Adopted: October 13, 2016

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Curt Ritter, Mayor

RESOLUTION 2016-200

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING THE FILING OF A GREEN ACRES PROGRAM PRE-APPLICATION
LOCAL PARK LAND – MAJOR DISPOSAL/DIVERSION**

WHEREAS, the Leases with T-Mobile Northeast LLC for temporary cell tower sites at Colony Pool and Esternay Field expired; and

WHEREAS, on May 12, 2016, the Township Committee of the Township of Chatham adopted Resolution 2016-16 authorizing that T-Mobile Northeast LLC be served with Notices to Quit and Demands for Possession for the leased portions of Colony Pool and Esternay Field; and

WHEREAS, on May 19, 2016, the Notices to Quit and Demands for Possession for Colony Pool and Esternay Field were served on T-Mobile Northeast LLC effective June 30, 2016; and

WHEREAS, on June 30, 2016, T-Mobile Northeast LLC filed suit in a case captioned T-Mobile Northeast LLC vs. Township of Chatham, Docket No. MRS-C-75-16 to prevent the Township from evicting T-Mobile; and

WHEREAS, on September 19, 2016, the Honorable Stephan C. Hansbury entered an Order preventing the Township from seeking to evict T-Mobile Northeast LLC from Colony Pool and Esternay Field and required that T-Mobile Northeast LLC “make all reasonable efforts to relocate its towers presently [at Colony Pool and Esternay Field] to another site as soon as possible”; and

WHEREAS, Judge Hansbury further Ordered that:

3. [The Township of Chatham] shall apply to NJDEP, Green Acres, for a diversion permit to permit [T-Mobile Northeast LLC’s] towers to remain on the property until relocated, with [T-Mobile Northeast LLC] bearing the costs associated with any such application and the parties shall cooperate in this endeavor

; and

WHEREAS, the Township is required to timely comply with Judge Hansbury’s Order.

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 Township of Chatham Attorney, Administrator and Clerk are hereby authorized to take all steps necessary to file a Green Acres Program Pre-Application Local Park Land – Major Disposal/Diversion as soon as reasonably possible.

2. That the Mayor and Clerk are hereby authorized to sign such a Pre-Application.
3. That this Resolution shall take effect immediately.

Adopted: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-P-15

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Property acquisition or investment options: Open Space
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: October 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk