

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

August 18, 2016
August 18, 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

Roll call

Approval of Agenda

Proclamation – Honoring Former Township Clerk & Administrator Alice Lundt

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 2016-159 Payment of Bills
2. Resolution 2016-160 Receipt of Reports
3. Resolution 2016-161 Approving Meeting Minutes
4. Resolution 2016-162 Approving Executive Session Minutes
5. Resolution 2016-163 Refunding Overpayment of Taxes
6. Resolution 2016-164 Settlement of Tax Appeal
7. Resolution 2016-165 Rejection of Bids & Authorizing Rebidding for
Colony Pool Concrete Wall Project
8. Resolution 2016-166 Refunding Permit Fee
9. Resolution 2016-167 Reducing Performance Bond for Valle Estates at Chatham
10. Resolution 2016-168 Awarding Contract for Wickham Woods Phase II
Drainage Improvements Project
11. Resolution 2016-169 Appointing Police Officer
12. Resolution 2016-170 Colony Pool Refund
13. Resolution 2016-171 Renewal of Liquor License

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2016-P-12

1. Property acquisition or investment options: Open Space
2. 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
3. Litigation – T-Mobile Northeast LLC v. Township of Chatham
4. Personnel

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 2016-159

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL
TAXES AND COUNTY TAXES**

BE IT RESOLVED that bills in the total amount of \$1,098,689.14 and the prior month's payroll of \$442,136.84 Current Fund, \$44,418.17 Sewer No. 1, \$8,036.11 Sewer No. 2, \$17,947.04 Recreation Trust and \$69,027.58 Police Private Employment be paid.

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

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Third Quarter of 2016, in the amount of \$2,102,447.87 be paid.

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-160

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:

Tax Collector – July
Construction Official – July
Police Department – July

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-161

**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 July 21, 2016.

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-162

**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 July 21, 2016.

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-163

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>
48.10	7	Simonfay, Steven P. & Sally 118 Westminster Road Chatham, NJ 07928	\$4,724.60 (2 nd quarter 2014) Overpayment of taxes
48.07	18	Chodaczek, Timothy & Mary Irene 31 Westminster Road Chatham, NJ 07928	\$4,265.06 (1 st quarter 2015) Overpayment of taxes
38	44.02	Pijut, Derek J. & Antonina A. 4 Johnson Drive Chatham, NJ 07928	\$2,741.28 (2 nd & 3 rd quarter 2014) Overpayment of taxes
89	20	Lavelle, Douglas & Jennifer H. 168 Lafayette Avenue Chatham, NJ 07928	\$2,805.21 (3 rd quarter 2014) Overpayment of taxes
102.02	31	Erling Hoie & Gina Zuniga 2 Rolling Hill Drive Chatham, NJ 07928	\$4,410.61 (1 st quarter 2015) Overpayment of taxes
96	2	Nicholas & Jennifer Mangold 361 Shunpike Road Chatham, NJ 07928	\$6,541.97 (2 nd quarter 2016) Overpayment of taxes

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-164

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 JAMES & MARY ELLEN MORAN

WHEREAS, James and Mary Ellen Moran (“Taxpayer”), the owner of Block 123, Lot 1 on the Township of Chatham’s Tax Assessment Maps, commonly known as 115 Noe Avenue (“Property”), filed an appeal of its 2014 and 2015 tax assessments in the Tax Court of New Jersey, Docket Nos. 005997-2014 and 006571-2015.

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeal and the recommendations of its Township Tax Assessor and Township Attorney, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

WHEREAS, Block 123, Lot 1 was assessed at \$1,917,800 for the years under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals have been negotiated which reduces the total tax assessment levied upon Taxpayer’s property located at Block 123, Lot 1; and

WHEREAS, the 2014 total tax assessment, based upon said reduction, will be \$1,867,800 instead of \$1,917,800 for Block 123, Lot 1; and

WHEREAS, the 2015 total tax assessment, based upon said reduction, will be \$1,717,800 instead of \$1,917,800 for Block 123, Lot 1; and

WHEREAS, the parties have agreed that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply; and

WHEREAS, Taxpayer has agreed that any refunds due shall be without interest and shall be paid by refunds or credits, at the discretion of the Tax Collector; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayer without prejudice to its dealing with any other Chatham Township's taxpayers' request for tax assessment reduction; and

WHEREAS, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,867,800 total tax assessment reduction for the 2014 Tax Year for Block 123, Lot 1, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,717,800 total tax assessment reduction for the 2015 Tax Year for Block 123, Lot 1, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
3. The Township Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of James and Mary Ellen Moran ("Taxpayer") Docket Nos. 005997-2014 and 006571-2015 which reduces the total tax assessment on Block 173, Lot 1 from \$1,917,800 to a reduced total tax assessment of \$1,867,800 for the 2014 Tax Year; which reduces the total tax assessment on Block 123, Lot 1 from \$1,917,800 to a reduced total tax assessment of \$1,717,800 for the 2015 Tax Year; which further provides that any refunds due shall be without interest; which further provides that any tax savings shall be paid by refunds or credits, at the discretion of the Tax Collector; and which further provides that the provision of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.
4. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-165

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2016 COLONY POOL WALL REPLACEMENT PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids a Colony Pool Wall Replacement Project; and

WHEREAS, the bids received on July 26, 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 Colony Pool Wall Replacement Project.

Adopted: August 18, 2016

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Curt Ritter, Mayor

RESOLUTION 2016-166

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING CONSTRUCTION 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 and subsequently voided;

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>
Christopher Yates 43 Baileys Mill Road Basking Ridge, NJ 07920	15-0126	\$1,254.40

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-167

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE VALLE ESTATES AT CHATHAM

WHEREAS, the Planning Board has granted preliminary and final approval for a project at Valle Estates at Chatham, Block 135, Lots 19 & 19.01; and

WHEREAS, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

WHEREAS, as set forth by Township Engineer John K. Ruschke, P.E. in his letter dated August 9, 2016 the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$61,328.67 (cash portion only), which covers the remaining work described by the engineer's report;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the letter of Township Engineer John K. Ruschke, P.E., dated August 9, 2016, to the amount of \$61,328.67 in cash, provided that the developer post a maintenance guaranty in the amount of 15% of the current performance guaranty, or \$91,644.18, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

Adopted: August 18, 2016
Attest:

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

Gregory J. LaConte, Clerk

BY: _____
Curt Ritter, Mayor

RESOLUTION 2016-168

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF HUTTON CONSTRUCTION FOR THE 2016 WICKHAM WOODS PHASE II DRAINAGE IMPROEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for the Wickham Woods Phase II Drainage Improvements Project; and

WHEREAS, bids were duly received and opened on August 4, 2016 at 11:00 a.m.; and

WHEREAS, the bid of PM Construction, with the total base amount of \$180,435.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

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

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

CERTIFICATION OF THE AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Debra A. King, Chief Financial Officer of the Township of Chatham, have ascertained that there are available sufficient, uncommitted appropriations pursuant to Ordinance 2016-13 to award a contract to PM Construction in the maximum amount of \$180,435.00.

Debra A. King
Chief Financial Officer

RESOLUTION 2016-169

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPOINTING BRIAN MCGRATH AS PATROLMAN
IN THE CHATHAM TOWNSHIP POLICE DEPARTMENT**

BE IT RESOLVED, by the Township Committee of the Township of Chatham that Brian McGrath is hereby appointed to the position of Patrolman in the Chatham Township Police Department, said appointment to be effective September 1, 2016. The terms and conditions of employment shall be as found in the Collective Bargaining Agreement in effect between the Township of Chatham and PBA Local 170.

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-170

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 & ADDRESS</u>	<u>AMOUNT</u>
Carrie Reasons 2 Linden Lane Chatham, NJ 07928	\$450.00

Adopted: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-171

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, 2016

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2016 has been made by N and M Chatham Inc., trading as the Hickory Wine Cellar;

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, 2016, as follows:

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-008).

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: August 18, 2016

Attest:

Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

By _____
Curt Ritter, Mayor

RESOLUTION 2016-P-12

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: 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. Litigation: T-Mobile Northeast LLC v. Township of Chatham
 - c. Property acquisition or investment options: Open Space
 - d. Personnel
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: August 18, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor