

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**APRIL 21, 2016**

Deputy Mayor Sullivan called the regular meeting of the Township Committee of the Township of Chatham to order at 7:38 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 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.

**Roll Call**

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

**Approval of Agenda**

Committeeman Kelly moved to approve the Agenda. Committeewoman Swartz seconded the motion, and it carried unanimously.

**Reports**

Committeewoman Swartz reported that the Health Department is raising awareness that May is Skin Cancer Awareness Month. She also said that the Environmental Commission is their 14<sup>th</sup> annual Earth Day Cleanup Event at the Green Village Pond Conservation Site from 9:30 AM to 12:30 PM. The Senior Center is holding the annual Shred Event at the Chatham Train Station on April 30<sup>th</sup>. The annual Garden Tour is being held on June 3<sup>rd</sup> and 4<sup>th</sup>.

Committeeman Kelly reported that the Community Garden will hold their garden cleanup day from 9:00 AM to 3:00 PM, which is for plot-holders to perform their required maintenance work. The Open Space Committee Chairman has been meeting with Eagle Scouts and community groups about potential joint projects. Committeeman Kelly also reported that the Department of Public Works has been performing repairs on the Skate Park, as well as doing preparations on recreation fields and the Colony Pool. He further reported that applications are being accepted by DPW for summer employment. The second video in the Perspectives series will soon be released, and it will feature DPW.

Deputy Mayor Sullivan reported that a survey is being conducted to receive feedback for potential website updates. He also noted that applications are being accepted for lifeguards at Colony Pool.

**Presentation – 2015 Municipal Audit**

Township Auditor Valerie Dolan of Nisivoccia, LLP spoke about the 2015 Audit. She also introduced Andrew Kucinski, who performs the field work. Ms. Dolan said that the Township should be commended, and the Township's finances are in phenomenal condition, and she commended the Township staff for their assistance. She also noted that at the end of the year, the Township's fund balance was up about \$110,000 primarily because of the increase in the tax collection rate. There were also some housekeeping recommendations which are being addressed.

Deputy Mayor Sullivan asked if the financial documents available on the Township website were useful during the auditing process. Ms. Dolan said that the documents available online helped in the preplanning process. Deputy Mayor Sullivan also asked if there were any budget line items that should have been broken down further. Ms. Dolan said that budget items were all consistent with standard practices.

Deputy Mayor Sullivan also asked about the budget surplus. Ms. Dolan said that the surplus is something that auditors review, and they serve as a "comfort zone." She also said that surpluses

are helpful to cover tax appeal refunds, as counties and school districts do not pay back any portion of a successful appeal. Surpluses also are helpful to cover costs associated with emergency expenditures.

Committeeman Kelly and Committeewoman Swartz thanked Ms. Dolan for her work and her presentation.

### **Presentation - School District of the Chatham 2016-2017 Budget**

Board of Education President Jill Weber presented the 2016-2017 Budget. With her were Superintendent of Schools Dr. Michael LaSusa and Business Administrator Peter Daquila. Ms. Weber said that the School District aims to maintain quality education while still having a budget at the lowest cost to the taxpayer. Ms. Weber provided information on how the School District of the Chathams (SDOC) compares with neighboring school districts regarding the per pupil costs. She also provided highlights on the 2016-2017 budget. Ms. Weber also provided background on the prior budget. The budget increase for 2016-2017 will be 2.35% over the prior budget. Deputy Mayor Sullivan asked how much of the budget is going toward instructional purposes. Dr. LaSusa said that the budgetary purposes are almost entirely for instructional purposes. Ms. Weber said that the final public hearing on the new budget will be held on May 2<sup>nd</sup>. Dr. LaSusa and Mr. Daquila have already done six public presentations on the budget, and it was presented at a Chatham Borough Council meeting as well.

Deputy Mayor Sullivan asked why the baseline increase for the SDOC budget is always 2%, and if there will be an effort to have a lower increase in future years. Mr. Daquila said that the SDOC uses zero-based budgeting. Deputy Mayor Sullivan asked about lifetime health benefits for retirees. Dr. LaSusa said that those costs are paid by the State of NJ. Dr. LaSusa also said that the number of children being educated impacts overall budget costs. He also provided figures on the increase in enrollment compared with overall population increases. Furthermore, the cap on the SDOC's budget and tax levy increase is based solely on the prior year's budget, and is not affected by added assessments the same way a municipal budget would be.

Deputy Mayor Sullivan also asked if the School District ever has a philosophical discussion on what their role should be in a child's life beyond education. Dr. LaSusa used the Anti-Bullying Bill of Rights as one of many examples of legislation that imposes on the School District additional responsibilities and liabilities.

Committeeman Kelly asked if additional teaching staff needed to be added this year. Dr. LaSusa said that two additional teachers were added to the staff at Southern Boulevard School. Committeeman Kelly also asked about the raises received by teachers. Dr. LaSusa said that they are currently in negotiations for a new contract, but it was 2.75% in the previous agreement.

Ms. Weber reiterated that final adoption of the budget is anticipated following the public hearing on May 2<sup>nd</sup>. Elections for new members has been moved to November. Mr. Daquila said that even though the budget is not subject to referendum, it is still subject to review by the Executive County Superintendent of Schools and the Executive County Business Official, and they approved the current proposed budget for 2016-2017.

Dr. LaSusa indicated that a referendum is planned for September for several capital projects. The projects will be listed separately rather than being lumped all into one question.

Committeewoman Swartz asked about voter turnout at school elections. Ms. Weber said that it is about 15%. Ms. Weber and Dr. LaSusa elaborated on the upcoming referendum.

### **Hearing of Citizens**

Deputy Mayor Sullivan opened the Hearing of Citizens.

1. Martin Blumenthal, 99 Long View Ave, said that his home is in the middle of the High Gate at Chatham development. He said that when the Planning Board approved the project, it was supposed to move quickly. Over two years later, the project is still ongoing and is having a detrimental effect on his quality of life. Mr. Blumenthal asked the Township Committee to take appropriate action to see that the project gets completed

as soon as possible. Mr. Blumenthal specifically asked that the road be brought up to code.

Deputy Mayor Sullivan said that the Township will do what is legally possible to move the project along.

Engineer Ruschke noted a resolution on the Consent Agenda declaring the developer in default of the developer's agreement, and that the performance bond company will be notified. He also discussed the concern about having final paving performed at the current phase, as construction trucks will still need to travel the road for the building of houses. The Township also does not want to relieve the developer of road maintenance obligations during the construction process.

2. Ronald Gunn, 41 Fairview Ave, discussed the causes of the delays in the High Gate project. Mr. Gunn also cited several utility improvements from which the Blumenthal's are benefitting from the High Gate Project.

Administrator Ciccarone said that the important issue at hand is that the project is a year beyond the required completion date, and a recommendation is being made that the Township Committee declare the developer's agreement in default.

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

### **Introduction of Ordinances**

#### **Ordinance 2016-13**

#### **ORDINANCE 2016-13**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$885,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

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

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

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

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

#### **SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS**

A. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works, including, but not limited to, pickup trucks.

Appropriation and Estimated Cost	\$50,000
Down Payment Appropriated	\$2,500
Bonds and Notes Authorized	\$47,500
Period of Usefulness	5 years

B. Acquisition of new information technology equipment for the use of the Police Department, including, but not limited to, a computer server.

Appropriation and Estimated Cost	\$20,000
Down Payment Appropriated	\$1,000
Bonds and Notes Authorized	\$19,000
Period of Usefulness	5 years

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

Appropriation and Estimated Cost	\$250,000
Down Payment Appropriated	\$12,500
Bonds and Notes Authorized	\$237,500
Period of Usefulness	10 years

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

Appropriation and Estimated Cost	\$30,000
Down Payment Appropriated	\$1,500
Bonds and Notes Authorized	\$28,500
Period of Usefulness	5 years

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

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

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

Appropriation and Estimated Cost	\$285,000
Down Payment Appropriated	\$14,250
Bonds and Notes Authorized	\$270,750
Period of Usefulness	15 years

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Aggregate Appropriation and Estimated Cost	\$885,000
Aggregate Down Payment Appropriated	\$ 44,250
Aggregate Amount of Bonds and Notes Authorized	\$840,750

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$44,250, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$44,250 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$840,750 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$840,750 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.45 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$840,750 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

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

Administrator Ciccarone said that this ordinance is to fund the projects which were discussed during the approval process for the capital budget.

Committeewoman Swartz moved to introduce Ordinance 2016-13. Committeeman Kelly seconded the motion.

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

Public Hearing on Ordinance 2016-13 will be scheduled for May 12, 2016.

**Consent Agenda**

**RESOLUTION 2016-098  
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 – March
- Construction Official – March
- CFO – March
- Police Department – March
- Vital Statistics - 1<sup>st</sup> Quarter
- Dog Licenses - 1<sup>st</sup> Quarter
- Raffle Licenses – 1<sup>st</sup> Quarter
- State Training Fees - 1<sup>st</sup> Quarter

**RESOLUTION 2016-099  
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 April 7, 2016.

**RESOLUTION 2016-100  
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:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
23	22	De Celles, Joseph P & Mary Jane 806 River Road Chatham, New Jersey 07928	\$250.00 Veterans Deduction– Year 2015

**RESOLUTION 2016-101  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY  
SPECIAL PERMIT FOR LIQUOR LICENSE**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<b><u>Name of Organization</u></b>	<b><u>Dates of Social Affair</u></b>	<b><u>Place where Affair will be held</u></b>
Chatham Athletic Boosters	June 2, 2016	Noe Pond Club 395 Southern Blvd Chatham, NJ 07928

**RESOLUTION 2016-102  
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**

**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**, Miller Pipeline Corp. has deposited funds in an escrow account for such employment; and

**WHEREAS**, after expenses the account has a remaining balance of \$1,000.00 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 Miller Pipeline Corp. the sum of \$1,000.00; and

#### **RESOLUTION 2016-103**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2016 BUDGET**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham has received \$2,268.08 from the State of New Jersey Body Armor Replacement Fund and wishes to amend its 2016 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,268.08 which is will be available as a revenue from:

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

Body Armor Replacement Fund, and

**BE IT FURTHER RESOLVED**, that a like sum of \$2,268.08 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

Body Armor Replacement Fund.

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

#### **RESOLUTION 2016-104**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2016 BUDGET**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham will receive \$138,000 NJDOT Municipal Aid Program for Improvements to Woodland Road and wishes to amend its 2016 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$138,000 which will be available as a revenue from:

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

**NJDOT Municipal Aid Woodland Road Improvements, and**

**BE IT FURTHER RESOLVED**, that a like sum of \$138,000 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

NJDOT Municipal Aid Woodland Road Improvements.

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

#### **RESOLUTION 2016-105**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A \$2,000.00 PAYMENT TO  
THE MUNICIPAL GROUP**

**WHEREAS**, the Township Committee of the Township of Chatham entered into a Municipal Services Defense Agreement (“MSSDA”) for the purposes as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with 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

**WHEREAS**, the Township of Chatham contributed \$2,000.00 to become a member of a consortium of municipalities (“Municipal Group”) so that the Municipal Group could enter into an agreement with an expert, which expert is now Econsult Solutions, LLC (“Econsult”); and

**WHEREAS**, Jeffrey R. Surenian, Esq., is lead counsel for the Municipal Group; and

**WHEREAS**, Mr. Surenian, on behalf of the Municipal Group, is seeking an additional \$2,000.00 payment in order to continue to fund the preparation of and to defend various expert reports prepared by Econsult to prosecute the litigation; and

**WHEREAS**, the Township Committee believes that it is cost effective and efficient to participate in the Municipal Group instead of having to undertake retaining an expert and defending that expert individually.

**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 an additional payment of \$2,000.00 to the Municipal Group is hereby authorized.
2. That the check be made payable to Jeffrey R. Surenian and Associates, LLC, Trust Account.
3. This Resolution shall take effect immediately.

**RESOLUTION 2016-106  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPROVING FIRE DEPARTMENT MEMBERSHIPS**

**WHEREAS**, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and

**WHEREAS**, members of both departments are eligible for membership in N.J. State Firemen’s Association as provided by applicable law; and

**WHEREAS**, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

**NAME**

**FIRE DEPARTMENT**

Michael J. Coyne

Chatham Township Volunteer Fire Department

**RESOLUTION 2016-107  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING ESTIMATED TAX BILLING**

**WHEREAS**, due to the expected late adoption of the State of New Jersey’s budget the Morris County Board of Taxation will be unable to certify the tax rate throughout the County, and the Township’s Tax Collector will be unable to mail the tax bills on a timely basis;

**WHEREAS**, the Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range permitted estimated tax levies;

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

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2016 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2016 is hereby set at \$53,816,918.76.
3. In accordance with the law, the third installment of 2016 taxes shall not be subject to interest until the later of: the end of the grace period, or the twenty-fifth calendar day after the date the

estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Committeeman Kelly moved to approve the Consent Agenda. Committeewoman Swartz seconded the motion.

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

**Discussion**

**Performance Bond**

**RESOLUTION 2016-108  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM DECLARING FENIX CHATHAM I, LLC, AND  
FENIX CHATHAM II, LLC, IN DEFAULT**

**WHEREAS**, Fenix Chatham I, LLC and Fenix Chatham II, LLC (“Fenix”) received final subdivision approval for a nine (9) lot subdivision known as “High Gate at Chatham” from the Township of Chatham Planning Board; and

**WHEREAS**, on May 30, 2013, Fenix entered into a Developer’s Agreement with the Township of Chatham; and

**WHEREAS**, Article 1 of the Developer’s Agreement provides that the:  
Owner/Developer shall, at its own cost and expense complete, not later than two (2) years after the date of this Agreement (herein called the “Completion Date”), all required public improvements in accordance with the plans approved by the Township Planning Board;

and

**WHEREAS**, on May 28, 2015, because Fenix would not complete the public improvements by the Completion Date, the Township granted Fenix a thirty (30) day extension of the Completion Date to June 30, 2015; and

**WHEREAS**, there have been discussions between Fenix and the Township to amend the Developer’s Agreement to further extend the Completion Date but no written extension of the June 30, 2015 Completion Date has been entered into between the Township and Fenix; and

**WHEREAS**, on October 13, 2015, the Township and Fenix entered into a Settlement Agreement to resolve nine (9) Municipal Court Summonses requiring that the public improvements at High Gate at Chatham be completed no later than January 31, 2016; and

**WHEREAS**, as of April 21, 2016, the public improvements remain to be completed; and

**WHEREAS**, Fenix posted Subdivision Bond No. 0595809 issued by the International Fidelity Insurance Company, One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey 07102 (“Bond”) to secure the construction of the public improvements; and

**WHEREAS**, the Bond provides that:

At certain land known as “High Gate at Chatham” all of which improvements shall be maintained and completed on or before December 8, 2015.

; and

**WHEREAS**, May 30, 2015, June 30, 2015, December 8, 2015, and January 31, 2016, have all passed without Fenix completing the public improvements at High Gate at Chatham; and

**WHEREAS**, Fenix’s failure to complete the public improvements at High Gate at Chatham presents a danger to the health, safety and welfare of the Township of Chatham residents; and

**WHEREAS**, the Township Committee of the Township of Chatham finds that Fenix Chatham I, LLC, and Fenix Chatham II, LLC, are in default of the Developer’s Agreement, Subdivision Bond and Settlement Agreement.

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

1. That Fenix Chatham I, LLC, and Fenix Chatham II, LLC, are hereby declared in default collectively and individually of the Developer’s Agreement, Subdivision Bond and Settlement Agreement.

2. That Fenix Chatham I, LLC, and Fenix Chatham II, LLC, and the International Fidelity Insurance Company be notified of the default by Certified Mail, Return Receipt Requested and Regular Mail.
3. That the Township of Chatham Administrator, Engineer and Attorney are authorized to provide said notice and take all steps to have the public improvements completed.
4. This Resolution shall take effect immediately.

Committeeman Kelly asked Engineer Ruschke about the anticipated time frame for the completion of the project once this action is taken. Engineer Ruschke said it will still take some time, but having the bonding company involved will put added pressure on the developer. He also said that the road will be dedicated to the Township upon the completion of the project, which is why the Township has to ensure that it is built correctly before taking ownership. Attorney Cruz provided background on the extension which had been granted, and summonses that were issued when the extended deadline expired.

Committeeman Kelly moved to pass Resolution 2016-108. Committeewoman Swartz seconded the motion.

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

Parking on Jay Road and Robert Drive

**ORDINANCE 2016-14**  
**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 7-11.1 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP, TITLED “TIME LIMIT PARKING”, ON JAY ROAD AND ROBERT DRIVE**

**WHEREAS**, the Township of Chatham Chief of Police recommended limited time parking on Jay Road and Robert Drive; and

**WHEREAS**, the Township Committee of the Township of Chatham desires to follow the recommendation of the Chief of Police to promote the health, safety and welfare of its residents.

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

Section 1. Section 7-11.1 of the Revised General Ordinances of the Township of Chatham, titled “Time Limit Parking”, is hereby amended to add the following streets as “TIME LIMIT PARKING” streets:

<u>Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Length</u>
Jay Road	Southerly	2 hours	8:00 AM to	Entire length 3:00 PM (school days)
Robert Drive	Southerly	2 hours	8:00 AM to 3:00 PM (school days)	Entire length

Section 2. All other provisions of Section 7-21 remain in effect.

Section 3. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Deputy Mayor Sullivan said that this matter was discussed in 2015, and the proposed regulations are necessary.

Committeewoman Swartz moved to introduce Ordinance 2016-14. Committeeman Kelly seconded the motion.

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

Public Hearing on Ordinance 2016-14 will be scheduled for May 12, 2016.

Approving Historical Society Facility Use Agreement

**ORDINANCE 2016-15**  
**ORDINANCE AUTHORIZING THE USE AND OCCUPANCY OF CERTAIN**  
**MUNICIPAL LANDS AND BUILDINGS, BEING THE RED BRICK SCHOOL HOUSE,**  
**IN THE TOWNSHIP OF CHATHAM, BY THE HISTORICAL SOCIETY OF THE**  
**TOWNSHIP OF CHATHAM**

**WHEREAS**, the Township Committee of the Township of Chatham determined that it is in the public interest to enter into a Use and Occupancy Agreement with the Historical Society of the Township of Chatham for that property known as the Red Brick School House (“Property”); and

**WHEREAS**, the Historical Society of the Township of Chatham is a non-profit corporation enjoying both State of New Jersey as well as Federal tax exempt status; and

**WHEREAS**, the Township Committee has deemed it to be for the good and general welfare of the Township of Chatham to enter into a Use and Occupancy Agreement for the Property with the Historical Society of the Township of Chatham; and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, the Township is authorized to enter into a Use and Occupancy Agreement with the Historical Society of the Township of Chatham because the Property is not needed by the Township and the Historical Society of the Township of Chatham is a non-profit corporation providing a public purpose.

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

1. That the Mayor and Clerk are hereby authorized to execute all such documents as are necessary to enter into the attached Use and Occupancy Agreement with the Historical Society of the Township of Chatham for the Property.
2. That the Property is not needed by the Township.
3. That the Historical Society of the Township of Chatham is a non-profit corporation providing services which benefit the residents of the Township and surrounding communities.
4. The term of the Use and Occupancy Agreement shall be for fifty (50) years and while the Society continues to use the Property for the purposes stated in the Agreement, with the Society paying the Township One (\$1.00) Dollar per year.
5. That the Historical Society of the Township of Chatham shall comply with the following reporting requirements, which requirements shall be to the Township Committee of the Township of Chatham:

...annually submit a report to the officer, employee or agency designated by the governing body, setting out the use to which the [Property] was put during each year, the activities...undertaken in furtherance of the public purpose for which the [Use and Occupancy Agreement] was granted; the approximate value or cost, if any, of such

activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law. (See N.J.S.A. 40A:12-14(c)).

6. That this Ordinance shall become effective according to law.

Deputy Mayor Sullivan said that the Chatham Township Historical Society has been using the Red Brick School House since 1986, and this ordinance would formalize a building use agreement. He thanked Attorney Cruz for his assistance in drafting the ordinance and the agreement.

Committeewoman Swartz moved to introduce Ordinance 2016-15. Committeeman Kelly seconded the motion.

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

Public Hearing on Ordinance 2016-15 will be scheduled for May 12, 2016.

### **Hearing of Citizens**

Deputy Mayor Sullivan opened the Hearing of Citizens.

There being no public comment, Deputy Mayor Sullivan closed the Hearing of Citizens.

Committeeman Kelly moved to adjourn at 9:13 PM. Committeewoman Swartz seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Township Clerk