

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JUNE 23, 2016

Mayor Ritter called the regular meeting of the Township Committee of the Township of Chatham to order at 7:31 PM.

Mayor Ritter led the Flag Salute.

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 Gallop, Committeeman Kelly, Committeewoman Swartz and Mayor Ritter. Deputy Mayor Sullivan arrived late.

Approval of Agenda

Administrator Ciccarone asked that a Resolution 2016-148 amending the Capital Budget be added to the agenda prior to the introduction of a bond ordinance, as the amendment is necessary to move forward with the bond ordinance.

Committeewoman Swartz moved to approve the agenda as amended. Committeeman Gallop seconded the motion, and it carried unanimously.

Reports

Committeeman Kelly reported that the Department of Public Works is busy with field maintenance, painting of sidewalks and performing regular maintenance at Colony Pool. He also reported that the Community Garden recently had its second work day. The Open Space Committee will hold a work day on August 27th for the construction of a walking trail on open space property on Hillside Ave. Committeeman Kelly noted that an Eagle Scout project led by Trey Helman will include installation of a picnic table, benches and an information kiosk at that site. Another Eagle Scout project was conducted at the Giralda Farms Preserve by Vincent Maddie, and this project also included installation of benches.

Committeeman Gallop reported that 13 municipalities have signed on to the joint defense group regarding the Pilgrim Pipeline.

Committeewoman Swartz reported that the Senior Center's Board of Trustees had a representative from the Board of Education at their recent meeting, and they discussed enhancing communications between the School District and the Senior Center. She also reported that the Senior Center is looking to initiate a reflection group for senior women. Committeewoman Swartz further reported that a First Responders Breakfast is being jointly sponsored by Juniper Village, Chatham Hill Acute Care Center and Pine Acres on July 21st.

Mayor Ritter reported that Colony Pool has opened for the season, and he mentioned several upcoming events. He also reported that the presentation by the Division of Mosquito Control at the last Township Committee meeting is now available online. Mayor Ritter also commented on Governor Christie's proposal regarding school funding. Chatham Township would receive approximately an additional \$15,000,000 per year with the Borough receiving an additional \$10,000,000 per year for school district funding if the proposal were to be approved.

Engineer Ruschke reported that Wickham Woods repaving has been substantially completed, and there are some punch list items remaining. He further reported that a notice to bidders for Phase II of the Wickham Woods improvements has been advertised and will only include drainage improvements. The Colony Pool wall replacement is almost ready to go out to bid, and the work would be scheduled to occur when the season has ended. The partial demolition of the Chatham

Glen Treatment Plant is substantially complete, and some of the remaining equipment will be salvaged. For the Woodland Road Sidewalk project, permit applications have been submitted to the NJDEP and the NJDOT.

Committeewoman Swartz asked about Engineer Ruschke's discussions with NJ American Water. Engineer Ruschke said that he is addressing enforcement of quality control standards in connection with road opening permits. The NJAW project on Southern Boulevard is moving along smoothly, and he complimented the Police Department on traffic control. The next phase of the Southern Boulevard project will be the installation of laterals. Mayor Ritter asked if the work at Colony Pool will require the slide to be moved. Engineer Ruschke said that that the slide, diving board and ladders will be moved, but it will be easy to unbolt them.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Jay Pruitt, 11 Ostrander Place, suggested that the number of trash pickup days and recycling pickup days be equalized so as to encourage recycling, and he submitted a petition.

Mayor Ritter thanked Mr. Pruitt for his suggestion, and noted that this is a topic which the Township Committee has previously considered. Mr. Kelly suggested that the matter be referred to the Environmental Commission for review. Mayor Ritter said that the topic should be considered when the budget is being prepared. Committeewoman Swartz said that the Environmental Commission discusses recycling pickup regularly. She also noted that trash pickup is a private utility, while recycling pickup is paid for by the Township.

2. Ann Witkowski, 4E Terrace Drive, said that she has questions about the extension of affordability controls on affordable housing. She said that when she bought her unit, the Master Deed indicated that after 30 years the unit would become market-rate. Mrs. Witkowski said that she would not expect to be able to sell the unit and receive a windfall of money, however she would like to have the option of selling it without restriction.

Attorney Cruz explained that the resolution on the agenda applies to the affordable units in Vernon Grove and Sutton Woods. The resolution extends the affordable controls for an additional thirty years and allows the Township to maintain its affordable housing stock. Attorney Cruz said that the Master Deed provides notice to the owners of the affordable units that the rules and regulations for said units are subject to amendment. Mrs. Witkowski asked if she could schedule an appointment to ask additional questions. She also said that a lot of the units are vacant, and several are under foreclosure.

Attorney Cruz said that the Township's plan for providing affordable housing is subject to judicial approval, and a hearing is scheduled before Judge Hansbury on July 20th at 2:45 PM. He also said that the notices which were sent to the owners of affordable units were to inform them of the hearing before Judge Hansbury and about the discussion scheduled for the current Township Committee meeting. Attorney Cruz suggested that residents can speak with Piazza & Associates to ask questions regarding why affordable housing might be vacant, and other questions should first be directed to the Township Administrator. Mrs. Witkowski said that some of the units are in bad shape, and some are so bad that people would not want to move into them.

3. Gisela McKensie, 5E Terrace Drive, said that 30 additional years of the units being classified as affordable units will not be a good thing. She also said that promises had been made that the units would be market-rate after 30 years.
4. John Marcelli, 8D Vernon Lane, said that he has to pay condo fees in the amount of \$500 a month. He also indicated that he and his wife spent money to improve their unit. Mr. Marcelli said that it would be difficult to sell the unit to someone in need due to the condo association fees. He also said that the laundry facilities for the units are not adequately maintained. Mr. Marcelli also has concerns about his ability to sell the unit.

Committeewoman Swartz asked if there is any recourse for the residents if the common elements are not being adequately maintained. Mr. Marcelli said it appears the current management is endeavoring to make up for the failings of previous management companies.

5. Mrs. Witkowski said that the maintenance fees pay for water, heat, gas, landscaping and snow removal. She also said that the laundry facilities are shared. Mrs. Witkowski said that a problem exists with residents being in arrears with their maintenance fees.

Seeing no further members of the public coming forward, Mayor Ritter closed the Hearing of Citizens.

Administrator Ciccarone said that the issues presented this evening had not been previously brought to his attention, and he will investigate the concerns that were raised. He also noted that the Township does not manage the units, and the Township's role is solely to market the units under the affordable controls.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2016-17

ORDINANCE OF THE TOWNSHIP OF CHATHAM AMENDING CHAPTER XI, TITLED "BUILDING AND HOUSING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP TO ADD ARTICLE 11-9, TITLED "REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE"

WHEREAS, vacant or abandoned buildings or structures can cause harm to the health, safety, and welfare of the community and its residents, including detriment to nearby properties, and increased risk of fire or public health and safety risks, and such vacant or abandoned structures may result in increased costs to the Township of Chatham for police calls, fire calls, and property maintenance to protect the neighborhood; and

WHEREAS, N.J.S.A. 40:48-2.12a, N.J.S.A. 46:10B-51 and other statutes authorize and permit municipalities to adopt an Ordinance to provide that the care, maintenance and security of vacant or abandoned structures upon which a Summons and Complaint in a foreclosure action has been filed shall be the responsibility of the foreclosing creditor, and to regulate the notification by foreclosing creditors to the Township; and

WHEREAS, pursuant to that authority, the Township Committee adopts this Ordinance to require such notification and assist and allow such responsibilities to be placed upon the appropriate parties so that the detrimental effects regarding abandoned and vacated properties may be reduced or mitigated.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham, Chapter XI, titled "Building and Housing", is hereby amended to add a new Article 11-9, titled "Registration and Maintenance of Property Pending Foreclosure", as follows:

ARTICLE 11-9

REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE

§11-9.1 Purpose.

The intent of this Ordinance is to provide for the enforcement of the Township Property Maintenance Code and other applicable law against and to vacant and abandoned properties pending foreclosure.

§11-9.2 Responsibility for Maintenance of Vacant and Abandoned Properties in Foreclosure.

A creditor filing a Complaint in a foreclosure action shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. If the creditor is located out of the State of New Jersey, the creditor must appoint an in-State representative or agent to act for the foreclosing creditor.

§11-9.3 Service of Notice, Contents.

A. A creditor filing a Complaint in a foreclosure action on residential property located in the Township of Chatham shall, within ten (10) days of serving the Summons and Complaint, serve the Township Clerk with a Notice advising that a Summons and Complaint in a foreclosure action has been filed against the subject property. The Notice shall contain and include the information set forth in (C) below and shall be provided by mail.

B. Any creditor that has filed a Complaint in a foreclosure action on any residential property which is pending in Superior Court shall provide to the Township Clerk with the Notice as described in (C) below for any residential properties in the Township for which the creditor has pending foreclosure actions.

C. The Notice shall state:

- (i) The name and contact information for the representative (located within the State of New Jersey) of the creditor who is responsible for property maintenance and will respond to Township communications regarding the property;
- (ii) Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";
- (iii) The street address, lot and block number of the property; and
- (iv) If the creditor is located out of State, the Notice should include the full name and contact information of the representative/agent located within the State of New Jersey authorized to act on behalf of the entity/creditor, accept service on behalf of the entity/creditor, and to receive and act on notifications regarding maintenance of the property in foreclosure.

§11-9.4 Responsibilities of Creditor Filing a Fore-closure Action as to Vacant and Abandoned Property.

Any creditor having filed a Complaint in an action in foreclosure on a property, and that creditor having been notified by the Construction Code Official in writing that the property appears to be or is abandoned or vacant, shall be responsible within thirty (30) days of said notification as follows:

- (i) Investigate and inspect the property as required to determine if the property is abandoned and vacant, and notify the Construction Code Official in writing of that determination.
- (ii) Secure the building and structure on the property from unauthorized entry.
- (iii) Perform such appropriate repairs or maintenance of the exterior grounds of the property, including yards, fences, sidewalks, walkways, driveways as may be needed or directed by the Construction Code Official so that the property is free from trash, debris, or excessive grass or weed growth, or safety hazards.
- (iv) Continue to maintain the structures in a secure condition and the grounds in a clean, properly maintained state.

§11-9.5 Violation of State or Local Law at Property on List; Responsibility of Creditor.

If the owner of a residential property vacates or abandons any property upon which a Complaint in a foreclosure action has been filed or if a property is otherwise vacated and/or abandoned subsequent to the filing of the Complaint in a foreclosure action, but prior to the vesting of title in any third party, the foreclosing creditor shall have the responsibility to abate any nuisance or correct any violations of the Property Maintenance Code and applicable law in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by the Property Maintenance Code or applicable law.

§11-9.6 Notification of Violation.

In the event of a violation of the Property Maintenance Code or applicable law, the Township shall serve the creditor with a Notice that shall include a description of the condition(s) that gave rise

to the violation and shall provide a period of thirty (30) days, or ten (10) days if the condition presents an imminent threat to public health and safety as determined by the Construction Code Official, for the creditor to remedy the violation or condition. The creditor must remedy and/or repair the conditions noticed within the specific period.

§11-9.7 Repair by Township.

If the Township expends public funds in order to abate a nuisance or correct a violation on a residential property in which the creditor was given notice pursuant to §11-9.6 but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property including but not limited to the recourse in the Property Maintenance Code and applicable law.

§11-9.8 Enforcement.

The Construction Code Official is hereby authorized to enforce this Ordinance and is further authorized to contact the New Jersey Bankers Association, with a current address of 411 North Avenue East, Cranford, New Jersey, for assistance in enforcing this Ordinance.

§11-9.9 Violation and Penalties.

Any person or corporation shall, upon conviction by any court having jurisdiction of a violation of this Section 11-9, be subject to a fine not to exceed \$2,500 per day commencing as of the date after the expiration of the ten (10) day period provided in §11-9.3B. Any person or corporation upon conviction by any Court of a violation of §11-9.5 and/or §11-9.6 shall be subject to a fine not to exceed \$1,500 per day, to commence thirty-one (31) days after receipt of the notice or, if the violation presented an imminent risk to public safety and health and was so noticed, commencing eleven (11) days after receipt of the notice.

BE IT FURTHER ORDAINED that a copy of this Ordinance shall be sent to the New Jersey Bankers Association.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereto.

This Ordinance shall take effect upon adoption and publication as required by law.

Mayor Ritter opened the Public Hearing on Ordinance 2016-17.
Seeing no one coming forward, Mayor Ritter closed the Public Hearing.

Committeewoman Kelly moved to adopt Ordinance 2016-17. Committeewoman Swartz seconded the motion.

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

Capital Budget Amendment

RESOLUTION 2016-148
(See Attached)

Committeeman Gallop moved to pass Resolution 2016-148. Deputy Mayor Sullivan seconded the motion.

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

Introduction of Ordinances

ORDINANCE 2016-18
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS SANITARY SEWER IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND

FOR THE SEWER UTILITY OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, 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 sanitary sewer improvements and to acquire a new automotive vehicle, including original apparatus and equipment, in, by and for the Sewer Utility of the 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 by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). 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 estimated maximum amount of bonds and notes to be issued for each such purpose, and (3) 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. Undertaking of the following sanitary sewer system improvements: (i) upgrading of the Chatham Heights Pump Station and (ii) replacement of the ultraviolet system at the Water Pollution Control Plant.

Appropriation and Estimated Cost	\$656,500
Bonds and Notes Authorized	\$656,500
Period of Usefulness	40 years

B. Undertaking of the following sanitary sewer system improvements: (i) rebuilding of sludge pumps, replacement of gate valves and replacement of alarms and controls at the Water Pollution Control Plant and (ii) rebuilding of the generator at the Southside Pump Station.

Appropriation and Estimated Cost	\$117,000
Bonds and Notes Authorized	\$117,000
Period of Usefulness	15 years

C. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a pickup truck with plow for the use of the Sewer Utility.

Appropriation and Estimated Cost	\$ 26,500
Bonds and Notes Authorized	\$ 26,500
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$800,000
Aggregate Amount of Bonds and Notes Authorized	\$800,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$115,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that the Sewer Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2015 had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to finance such purposes plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Sewer Utility.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$800,000 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 \$800,000 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 35.18 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 \$800,000, but said \$800,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 12. Any funds received from 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.

Committeeman Kelly moved to introduce Ordinance 2016-18. Committeewoman Swartz seconded the motion.

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

Public Hearing on Ordinance 2016-18 will be scheduled for July 21, 2016.

Consent Agenda

**RESOLUTION 2016-139
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 – May
- CFO – May
- Construction Official – May
- Police Department – May

**RESOLUTION 2016-140
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 9, 2016.

**RESOLUTION 2016-141
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 June 9, 2016.

**RESOLUTION 2016-142
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>
James & Tracey Black 52 Thornley Drive Chatham, NJ 07928	BOA 15-48.09-16	7763179677	\$128.40
William Petrunik 42 8 th St Apt. 3513 Boston, MA 02129	BOA 03-48.17-113.17 16 Jay Road	7200012975	\$204.00

RESOLUTION 2016-143

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 2017

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 2017 in the amount of:

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

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

RESOLUTION 2016-144

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 & ADDRESS</u>	<u>AMOUNT</u>
Anthony LoPorto 8 Cypress Road Chatham, NJ 07928	\$250.00
Claudia Fuentes 540 Main Street Apt. 8D Chatham, NJ 07928	\$200.00
Carol Grant 53 Garden Ave Chatham, NJ 07928	\$200.00

RESOLUTION 2016-145
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING SUMMER RECREATION PROGRAM AT SBS CAMP FEE

WHEREAS, a registration fee was paid for the Summer Recreation Program at SBS; 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>
Elizabeth Nielwocki 134 Huron Drive Chatham, NJ 07928	\$50.00

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

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

Discussion

Extending the Affordability Controls for Seventy-Two Units at the Vernon Grove Condominium and One Unit at the Sutton Woods Condominium

RESOLUTION 2016-146
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM EXTENDING AFFORDABLE CONTROLS AT VERNON GROVE AND SUTTON WOODS

WHEREAS, the Master Deed (“Master Deed”) for Vernon Grove Condominium (“Vernon Grove Condominium”), a 72 unit condominium, is dated August 21, 1986, and was recorded in the Morris County Clerk’s Office on September 24, 1986 in Book 2889, page 681; and

WHEREAS, Article 17 of the Master Deed of the Vernon Grove Condominium (“Article 17”) provides that the owner of each Condominium Unit (“Unit”) shall be bound by the restrictions, rules and regulations established by the Glenwood Housing Corporation regarding affordability controls, including the Procedures for Selection and Resale established by the Glenwood Housing Corporation (“Affordability Controls”), as same may be amended from time to time; and

WHEREAS, the initial Procedures for Selection and Resale established in the Master Deed (“Procedures”), which are included in the Master Deed as Exhibit I, provide, in Paragraph VIII thereof, that the Procedures may be amended from time to time by the Glenwood Housing Corporation; and

WHEREAS, Article 17 of the Master Deed of the Vernon Grove Condominium further provides that the Affordability Controls shall run for a period of thirty (30) years from the date of recording of the Master Deed; and

WHEREAS, Article 17 of the Master Deed of the Vernon Grove Condominium further provides that the Vernon Grove Condominium is subject to all covenants, restrictions and easements of record, zoning and other municipal and other governmental ordinances and regulations; and

WHEREAS, the Master Deed (“Master Deed”) for Sutton Woods Condominium (“Sutton Woods Condominium”) is dated February 28, 1989 and was recorded in the Morris County Clerk’s Office on March 7, 1989 in Book 3101, page 178; and

WHEREAS, Article 17 of the Master Deed of the Sutton Woods Condominium provides that the owner of the Unit shall be bound by the restrictions, rules and regulations established by the Glenwood Housing Corporation regarding affordability controls, including the Procedures for Selection and Resale established by the Glenwood Housing Corporation (“Affordability Controls”), as same may be amended from time to time; and

WHEREAS, the initial Procedures for Selection and Resale established in the Master Deed of the Sutton Woods Condominium (“Procedures”), which are included in the Master Deed as Exhibit H, provide, in Paragraph VII thereof, that the Procedures may be amended from time to time by the Glenwood Housing Corporation; and

WHEREAS, Article 17 of the Master Deed of the Sutton Woods Condominium further provides that the Affordability Controls shall run for a period of thirty (30) years from the date of recording of the Master Deed; and

WHEREAS, Article 17 of the Master Deed of Sutton Woods further provides that the Sutton Woods Condominium is subject to all covenants, restrictions and easements of record, zoning and other municipal and other governmental ordinances and regulations; and

WHEREAS, in January 1990, the Glenwood Housing Corporation adopted Affordable Housing Rules and Regulations (“1990 Regulations”) applying to all affordable housing units within the Township administered by the Glenwood Housing Corporation; and

WHEREAS, Section 34 of the 1990 Regulations (“Section 34”) provides that after the expiration of the thirty (30) year period of Affordability Controls, if an owner effects a sale of a unit at an approved market price, the administrative authority shall be entitled to receive an amount equal to 95% of the difference between (1) the sales price, less a reasonable real estate broker fee and necessary costs of sale paid by owner, and (2) the maximum price at which the unit could have been sold if it were still subject to resale controls; and

WHEREAS, Section 34 further states that “ the Township may, if it shall have the power and authority to do so, extend the thirty (30) year period during which an affordable housing unit in the Township shall remain subject to the restrictions of these rules and regulations in order that the Township may meet a need to provide affordable housing within the Township” ; and

WHEREAS, N.J.A.C. 5:80-26.24 permits an eligible seller of certain housing units known as 95/5 units that have been controlled for the period established in N.J.A.C. 5:93-9.2, subject to certain conditions, to exercise a repayment option (“Repayment Option”) and sell to a purchaser at a market price, provided that 95 percent of the price differential is paid to the administrative agent, as an instrumentality of the municipality, at closing; and

WHEREAS, as stated above, the 72 units included within the Vernon Grove Condominium and one (1) unit included within the Sutton Woods Condominium are 95/5 units (“95/5 Units”); and

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the Repayment Option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing (“COAH”); and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b), a municipality that exercises the option to prohibit the Repayment Option shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH of its governing body’s action; and

WHEREAS, the municipality’s administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9, effective January 5, 1998, and N.J.A.C. 5:92-12.8, effective July 17, 1989; and

WHEREAS, the 73 Units which are subject to the Repayment Option are set forth on Schedule A annexed hereto and made a part hereof; and

WHEREAS, the Township of Chatham has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in the Township is to prohibit the exercise of any Repayment Option on the 95/5 Units and to maintain the Affordability Controls on the 95/5 Units for a longer period than the initial thirty years pursuant to N.J.A.C. 5:80-26.25.

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 Repayment Option shall not be permitted for the 95/5 Vernon Grove Condominium Units identified on Schedule A from the date of adoption of this Resolution until July 1, 2046.
2. The Affordability Controls are extended on the 95/5 Vernon Grove Condominium Units identified on Schedule A until July 1, 2046 and during this period of extended controls, no seller of the 95/5 Units may utilize the Repayment Option.

3. The Repayment Option shall not be permitted for the 95/5 Sutton Woods Condominium Unit identified on Schedule A until March 1, 2049.
4. The Affordability Controls are extended on the 95/5 Sutton Woods Condominium Units identified on Schedule A until March 1, 2049 and during this period of extended controls, no seller of the 95/5 Unit may utilize the Repayment Option.
5. The Township Clerk is authorized and directed to print this Resolution in full in the official newspaper of the Township Committee, and to notify the administrative agent and COAH of the action taken by the Chatham Township Committee.
6. The administrative agent shall ensure that a deed restriction (“Deed Restriction”) prohibiting the exercise of the Repayment Option on the 95/5 Vernon Grove Condominium Units shall be recorded in the Morris County Clerk’s Office, which Deed Restriction shall extend until July 1, 2046 and on the Sutton Woods Condominium Unit until March 1, 2049.
7. This Resolution shall provide evidence that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls (“UHAC”) and that the Township is entitled to 73 affordable housing credits to address its portion of its affordable housing obligation through the extension of affordability controls in accordance with UHAC.
8. The sale and use of the 95/5 Units is governed by UHAC, found in the Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1 *et seq.*) and any amendments, changes or supplements thereto.
9. All of the restricted 95/5 Units shall remain subject to the requirements of N.J.A.C. 5:80-26.5, as may be amended from time to time, during the extended Affordability Control period until the Township of Chatham elects to release the 95/5 Units from such requirements.

Committeewoman Swartz moved to pass Resolution 2016-146. Committeeman Kelly seconded the motion.

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

Chestnut Road Zoning Questions

Administrator Ciccarone said that a resident recently brought to his attention that the properties on Chestnut Road are in the R3 zone. He described the setback requirements for the R3 zone, and indicated that the properties on Chestnut Road cannot feasibly comply with the required setbacks. Administrator Ciccarone also described the requirements of the R4 zone, and he said that the properties in question probably were meant to be in the R4 zone but were accidentally placed in the R3 zone when the maps were drawn. Administrator Ciccarone’s recommendation was that the matter be referred to the Planning Board for a recommendation. Attorney Cruz said that notice would need to be sent to the owners of the properties on Chestnut Street and those within 200 feet of the area proposed for rezoning.

Committeewoman Swartz moved to refer the discussion topic to the Planning Board. Deputy Mayor Sullivan seconded the motion.

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

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Lois Schuh, 5C Terrace Drive, said that one of the original owners of an affordable housing unit does not reside in the unit and is renting it out. Mrs. Schuh said that she has

been in touch with municipal offices and Piazza & Associates on this matter. She asked to be contacted by Attorney Cruz.

There being no further public comment, Mayor Ritter closed the Hearing of Citizens.

Executive Session

RESOLUTION 2016-P-10 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: Township of Chatham Affordable Housing Declaratory Judgment Action and Fair Share Housing Center's Request for Mediation
 - b. Personnel
 - c. Property acquisition or investment options
 - d. Lease Negotiations – T-Mobile and AT&T
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 Ritter announced that the Township Committee does anticipate taking action following Executive Session.

Committeeman Kelly moved to pass Resolution 2016-P-10 to enter Executive Session at 8:35 PM. Deputy Mayor Sullivan seconded the motion.

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

The Township Committee returned from Executive Session at 10:48 PM.

RESOLUTION 2016-147 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM MAKING PROMOTIONS IN THE CHATHAM TOWNSHIP DEPARTMENT OF PUBLIC WORKS AND WATER POLLUTION CONTROL UTILITY

BE IT RESOLVED, by the Township Committee of the Township of Chatham that Thomas Hillas is hereby promoted to the position of Assistant Foreman in the Chatham Township Department of Public Works effective July 1, 2016.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that Michael Hajjar is hereby promoted to the position of Foreman and Licensed Operator in the Water Pollution Control Utility effective July 1, 2016.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that Donald Kidd is hereby promoted to the position of General Foreman in the Chatham Township Department of Public Works effective July 1, 2016.

The terms and conditions of employment for these positions shall be as found in the Collective Bargaining Agreement in effect between the Township of Chatham and Teamsters Local 469.

AND FINALLY BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that the salary of Richard Young, Manager of the Chatham Township Department of Public Works is hereby set at \$110,000 per year effective July 1, 2016.

Committeeman Gallop moved to pass Resolution 2016-147. Deputy Mayor Sullivan seconded the motion.

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

Committeewoman Swartz moved to adjourn at 10:48 PM. Committeeman Gallop seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk