

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
AUGUST 18, 2016**

Mayor Ritter called the regular meeting of the Township Committee of the Township of Chatham to order at 7:35 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, Deputy Mayor Sullivan and Mayor Ritter.

Approval of Agenda

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

Proclamation

Mayor Ritter read aloud the attached proclamation honoring former Township Administrator and Township Clerk Alice Lundt on the celebration of her 100th birthday. Happy Birthday was sung to Mrs. Lundt.

Mrs. Lundt thanked the Township Committee for continuing the policies which have made Chatham Township a great place to live.

Committeewoman Swartz said that it has been a pleasure getting to know Mrs. Lundt over the past several years. She noted Mrs. Lundt's exemplary dedication to the community.

Deputy Mayor Sullivan said that several members of the Chatham Township Historical Society were unable to attend the meeting, but they send their regards to Mrs. Lundt.

Mayor Ritter noted the presence of former Mayors Nicole Hagner and Bailey Brower, and thanked them for their attendance.

Reports

Committeeman Kelly reported that the Open Space Committee has rescheduled the work day on the Hillside Avenue Trail to September 10th from 8:00 AM to 3:00 PM. Participants are asked to bring gloves and work tools. Committeeman Kelly further reported that the Community Garden has made fencing improvements at the site.

Committeeman Gallop reported that fall sports registration is underway, and those interested in participating in activities should sign up soon. Regarding the Pilgrim Pipeline, Committeeman Gallop reported that 15 municipalities have opted to participate in the joint defense agreement.

Committeewoman Swartz reported that the Senior Center will be on vacation until September 7th. The Senior Center's newsletter is available online. Committeewoman Swartz reported that the Environmental Commission is putting together a program addressing the safety of the water supply. The Department of Public Works is making the transition from summer maintenance to fall maintenance. Current activities include tree maintenance, repainting crosswalks and preparing playing fields for fall sports.

Mayor Ritter reported that attendance at Colony Pool has increased. He also reported that a new program has been introduced to offer memberships for the last two weeks of the season for only \$200. Mayor Ritter also reported on the upcoming Out of the Darkness Suicide Prevention Walk on September 24th. Fundraising efforts have already exceeded the original goals, and walkers can still register to participate.

Engineer Ruschke reported that bids were received for the Wickham Woods Phase II Drainage Improvements Project, and the low bidder was PM Construction. As the bids were within budget, Engineer Ruschke recommended the award of the contract. Engineer Ruschke further reported that bids were received for a Colony Pool Concrete Wall Replacement Project, and the bids all were significantly over the budgeted amount. Engineer Ruschke said that he has spoken with the bidders to assess why they were all so high. A rebid has been prepared to address the concerns raised by the prior bidders. A third project has gone out to bid for electrical improvements at the Municipal Building, and bids will be received on September 22nd.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Nicole Hagner, 396 River Road, spoke on behalf of Alice Lundt, and how pleasant she has been to work with over the years.

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

Consent Agenda

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.

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

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.

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.

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

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 183, 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.

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.

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

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.

RESOLUTION 2016-168

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF PM 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.

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.

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

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.

Committeeman Kelly moved to approve the Consent Agenda. 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. Bailey Brower, 16 Driftway, commented on a birthday party which was recently held for Alice Lundt. He also said that Chatham Township would never have been the town it is without Mrs. Lundt’s contributions.

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

Executive Session

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.

Committeewoman Swartz moved to pass Resolution 2016-P-12 to enter Executive Session at 8:01 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 to public session at 11:00 PM.

Committeeman Kelly moved to authorize DPW Director Rich Young to make a conditional offer of employment to two candidates for positions in the Public Works Department subject to all the necessary background checks. Committeewoman Swartz seconded the motion, and it carried unanimously.

Committeewoman Swartz moved to adjourn at 11:01 PM. Mayor Ritter seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk