

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
SEPTEMBER 22, 2016**

Mayor Ritter called the regular meeting of the Township Committee of the Township of Chatham to order at 7:32 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 was absent.

Approval of Agenda

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

Proclamation – National Farm to School Month

Susan Trasino of the Chatham Farm to School Committee thanked the Township Committee for acknowledging October as Farm to School Month. Andreana Field, also of the Chatham Farm to School Committee, said that their Committee educates children on healthier eating habits.

Mayor Ritter read aloud the attached proclamation for National Farm to School Month.

Presentation – Tri-Town 55+ Survey Results

Committeewoman Swartz provided background on the Tri-Town 55+ Coalition, and introduced Health Officer Lisa Gulla. Mrs. Gulla said that a grant was received from the Grotta Foundation to assess the needs of the 55+ community. She also described the process by which survey results were gathered. Several assets which encourage residents to remain in the Madison/Chatham area were identified. Mrs. Gulla also addressed the concerns which were raised by survey respondents. Some respondents cited pedestrian safety concerns. The Tri-Town 55+ Group has incorporated, and an application will be submitted for 501(c)3 status. Mrs. Gulla also mentioned a grant offered by Robert Wood Johnson.

John Crouthamel of the Senior Center's Board of Trustees also spoke. He said that the Tri-Town 55+ Coalition is working to make this presentation to the local business community.

Reports

Committeeman Kelly reported that the Community Garden Committee will host a cleanup event on September 24th and 25th. Registration for the 2017 season will also begin soon. The Open Space Committee had a work day on the Hillside Trail, and additional work days will be planned.

Committeeman Gallop reported that the Joint Recreation Committee discussed the artificial turf at Lum Field, and it may need to be resurfaced soon. There will be discussions as to how the work will be funded.

Committeewoman Swartz reported that the Senior Center's newsletter is posted online. The Senior Center is promoting the annual flu shot clinic on October 26th and the shred event on October 29th. The Senior Center's welcome back picnic is scheduled for September 23rd.

Committeewoman Swartz further reported that the Public Works Department is working to close down Colony Pool for the season, maintaining recreation fields, and beginning to prepare salt spreaders for the winter season.

Mayor Ritter reported that the September/October newsletter is available online. He also noted that on October 18th, the Township will be hosting a presentation about domestic violence. Mayor Ritter also said that September is National Preparedness Month. Mayor Ritter further reported that he attended a town hall meeting in which Governor Christie presented his Fairness Formula for the funding of schools. He also said that he performed a wedding service recently. Mayor Ritter further noted that the Out of the Darkness Suicide Prevention Walk, and over \$40,000 has been raised thus far. He also reminded the public of the School District referendum being held on September 27th.

Engineer Ruschke reported that he contacted the NJDOT about the status of the Lafayette Ave Sidewalk Project. He also described the process which needs to take place in order to move the project along. Bids were received for electrical improvements at the Municipal Building, and the sole bid was high. Engineer Ruschke said that he will likely recommend that the bid be rejected.

Administrator Ciccarone reported that a bond anticipation note sale was conducted. The successful bidder was the Township of East Brunswick, with a net interest cost of 1.24%. There were two other bidders. Administrator Ciccarone further reported that he and Committeewoman Swartz met with representatives of the Morris County MUA regarding the renewal of the recycling pickup contract, as the current contract expires at the end of 2016. He expects to have a proposed contract available for the October 13th Township Committee meeting. One feature of the new contract will be make-up days for when a normal collection days fall on holidays. There is also a potential for the installation of a compacter at the recycling center.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Andreana Field, 733 River Road, expressed concern about potential development on the Dixiedale Farm property. Mrs. Field said that she hopes details about potential development will be forthcoming, and she is particularly concerned about how development would affect traffic patterns in the vicinity. Mrs. Field is also concerned about the potential development at the Skate Park, especially in regards to the affect on the School District.
2. Christine Baird, 375 Fairmount Avenue, said that she would like for the Township to offer assistance for pedestrians to cross at the intersection of Fairmount Ave and Southern Boulevard. Administrator Ciccarone said that the intersection has been studied, and the Township will seek to make any possible improvements to make crossing easier.

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

Consent Agenda

RESOLUTION 2016-184 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 – August
Construction Official – August
Chief Financial Officer – August
Police Department – August

RESOLUTION 2016-185

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on September 8, 2016.

RESOLUTION 2016-186

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 8, 2016.

RESOLUTION 2016-187

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING OVERPAYMENT OF TAXES**

WHEREAS, an overpayment of property taxes has been made for the following properties; and
WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
64.05	9.02	Gregory & Susan Raphael 8569 SE 168 th Kittredge Loop The Villages, FL 32162 Former owners of: 11C Heritage Drive Chatham, NJ 07928 Current Owner: Miller	\$1,401.16 3 rd Quarter 2016
64.01	1.05	New Jersey Housing & Mortgage Finance Agency 637 South Clinton Avenue Trenton, NJ 08650 Former owners of: 25D Heritage Drive Chatham, NJ 07928 Current Owner: Daney, Kevin	\$2,150.58 1 st & 2 nd Quarter 2016 Exempt from taxes January 1, 2016 through August 11, 2016

BE IT FURTHER RESOLVED that the third quarter taxes for Block 64.01, Lot 1.05 be reduced from \$1,075.29 to \$585.48.

RESOLUTION 2016-188

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW
JERSEY AMENDING DEVELOPER'S AGREEMENT WITH FENIX-CHATHAM I, LLC, AND
FENIX-CHATHAM II, LLC**

WHEREAS, the Planning Board of the Township of Chatham, by resolution dated September 12, 2016, has granted approval to Fenix-Chatham I, LLC, and Fenix-Chatham II, LLC, for various deviations to prior approvals for a subdivision located at Block 32, Lots 2, 6 and 8, and Block 33, Lots 1, 14, 17 and 20, on the current tax map of the Township; and

WHEREAS, said approval requires the amendment of a Developer's Agreement as a condition of said approvals;

WHEREAS, on April 21, 2016 the Township of Chatham Township Committee declared a default of Subdivision Bond No. 0595809 issued by the International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, New Jersey 07102;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that said Developer's Agreement copy on file with the

Township Clerk, with Fenix-Chatham I, LLC, and Fenix-Chatham II, LLC, be hereby amended, and that the Mayor and Clerk are hereby authorized to execute the same.

BE IT FURTHER RESOLVED that because Fenix-Chatham I and II, LLC, obtained Planning Board approval and because it entered into an acceptable Amendment to the Developer's Agreement, the bond default is rescinded.

RESOLUTION 2016-189
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING NEW EMPLOYEES TO THE PUBLIC WORKS DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Chatham that Edward Farese and Peter Mazzocchi be hereby appointed to the Department of Public Works effective October 1, 2016 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #866 at a starting salary in accordance with Serviceman Grade III Step 1.

RESOLUTION 2016-190
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:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Harding Township Education Foundation	October 22, 2016	529 Green Village Road Green Village, NJ 07935

Committeeman Kelly asked about the amendment to a developer's agreement with Fenix-Chatham I, LLC, and Fenix-Chatham II, LLC. Engineer Ruschke provided background on the development. Attorney Cruz said that a new performance bond will be issued for this development, which will include various project deadlines. He also noted that the resolution amending the developer's agreement also rescinds an earlier declaration that the performance bond is in default. Committeeman Gallop said that the neighbors of this development want the project completed, and he asked if there are sufficient safeguards to ensure the project moves along. Engineer Ruschke said that most of the work is required to be performed by the end of 2016. Attorney Cruz noted that one of the lots already has a foundation permit. Committeewoman Swartz asked if the potential for stop work orders will be enough to prevent further non-compliance. Engineer Ruschke said that the conditions imposed are very thorough, and there should not be any problem as long as the conditions are followed. Mayor Ritter said that there needs to be consequences if the conditions are not followed. Committeeman Gallop if there are controls in place to ensure that the road reconstruction is done correctly. Engineer Ruschke said that there have been instances where police were called to stop work, and other instances where stop work orders have been ignored. He also said that the site work is 80% complete, and the focus is on repairing areas. Committeeman Gallop asked if the process could include certain triggers where 24-hour monitoring would occur at the developer's expense. Attorney Cruz set that inspection fees are covered by the Municipal Land Use Law, and he would need to research if Committeeman Gallop's suggestion would be consistent with the MLUL. Committeewoman Swartz thanked Engineer Ruschke for his work and professionalism in dealing with the Fenix-Chatham I, LLC, and Fenix-Chatham II, LLC development.

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

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

Discussion

NJDOT Transportation Alternatives Program Grant Application

Engineer Ruschke said that the Transportation Alternatives Program Grant program is funded by the Federal Highway Authority. The program provides funds for pedestrian safety projects, as well as road beautification and historic preservation. Road resurfacing is not covered by this grant program. Engineer Ruschke presented some diagrams for installation of sidewalks on Southern Boulevard from River Road to Fairmount Ave, and he described the proposed project. Applications are due in November, and a resolution from the Township Committee authorizing

submission would be required. Mayor Ritter asked how large the grant would be. Engineer Ruschke said that the application would be for \$350,000.00. Committeewoman Swartz asked if any residents would be impacted by the sidewalk. Engineer Ruschke said that the sidewalk would be on municipal property. Mayor Ritter asked if the right-of-way on Southern Blvd extends into the open space area. Engineer Ruschke said that the sidewalk would be in the right-of-way. Committeeman Kelly asked if the sidewalk could be far enough away from the road so that some screening could be installed between the sidewalk and the roadway. Administrator Ciccarone warned that having the sidewalk too far into the wooded area would create maintenance concerns. Engineer Ruschke also noted that there should not be any problem obtaining the endorsement of Morris County for this project. He also said that the traffic signals would need to be modified.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

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

Executive Session

RESOLUTION 2016-P-14 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Litigation: T-Mobile Northeast LLC v. Township of Chatham Docket No. MRS-C-75-16
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-14 to enter Executive Session at 9:15 PM. Committeeman Gallop seconded the motion.

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

The Township Committee returned to public session at 9:59 PM.

Mayor Ritter moved to adjourn at 10:00 PM. Committeeman Kelly seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk