

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
DECEMBER 1, 2016**

Deputy Mayor Sullivan called the regular meeting of the Township Committee of the Township of Chatham to order at 7:30 PM.

Deputy Mayor Sullivan 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 Deputy Mayor Sullivan. Mayor Ritter was absent.

Approval of Agenda

The Agenda was approved as drafted.

Reports

Committeeman Kelly reported that notices have been sent to current plot holders at the Community Garden to renew for 2017, and remaining plots will be opened to the public. The deadline for applications is the end of the year.

Committeewoman Swartz reported that Public Works is working with a contractor to have the lot by the Colony Tennis Courts paved. As winter sports are now in season, the recreation fields are not in use or needing maintenance. Committeewoman Swartz reported that JCP&L will be doing some vegetation maintenance in the Green Village area. JCP&L has also urged that residents use caution with holiday lighting. NJ American Water will be upgrading some water mains near Chatham High School.

Administrator Ciccarone reported that the contractor for the Wickham Woods Drainage Improvements Phase II project will be mobilizing soon. The Colony Pool Wall Replacement project is also underway. The Electrical Improvements & Fuel Storage project is being rebid, and the bid opening is scheduled for December 15, 2016 at 11:00 AM.

Hearing of Citizens

Deputy Mayor Sullivan opened the Hearing of Citizens.

1. Ron Walton, representing JCP&L, reported that upgrades were made to the A13 and A14 circuits within the Township, and he described the upgrades.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2016-19

**ORDINANCE 2016-19
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO AMEND SUBSECTION 30-75.2 TITLED “MAP AND
SCHEDULE” OF CHAPTER XXX, TITLED “LAND DEVELOPMENT” OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO
CHANGE THE ZONING DISTRICT CLASSIFICATION ON THE OFFICIAL ZONING**

MAP FROM R-3 RESIDENCE DISTRICT TO R-4 RESIDENCE DISTRICT FOR THE FOLLOWING PROPERTIES: BLOCK 54, LOTS 10, 11.01, 11.02, 12, 13, 14 AND 15 FRONTING ON CHESTNUT ROAD NEAR ITS INTERSECTION WITH FAIRMONT AVENUE

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

SECTION 1. Subsection 30-75.2 titled “Map and Schedule” of Section 30-75 titled “Zone Districts and Enforcement” of Chapter XXX titled “Land Development” of the Revised General Ordinances of the Township of Chatham is hereby amended as follows:

A. Change the zoning district classification on the official zoning map from the R-3 Residence District to R-4 Residence District for the following properties:

- Block 54, Lot 10
- Block 54, Lot 11.01
- Block 54, Lot 11.02
- Block 54, Lot 12
- Block 54, Lot 13
- Block 54, Lot 14
- Block 54, Lot 15.

B. The “Official Zoning Map, Township of Chatham, Morris County, New Jersey”, dated March, 1999, is hereby replaced by the “Official Zoning Map, Township of Chatham, Morris County, New Jersey”, dated March, 1999, revised as of October, 2016, and is hereby adopted, and the Schedule of Requirements which is part of Chapter XXX remains as shown in Appendix I, “Schedule of Zoning Requirements.”

SECTION 2. All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

SECTION 3. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION 4. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Deputy Mayor Sullivan opened the Public Hearing on Ordinance 2016-19.

Seeing no members of the public coming forward, Deputy Mayor Sullivan closed the Public Hearing.

Administrator Ciccarone said that the Planning Board reviewed Ordinance 2016-19 and determined that the ordinance is not inconsistent with the Master Plan. He also explained that the change in zoning designation affects front yard setbacks, and allows the existing homes to be conforming to zoning regulations.

Committeewoman Swartz moved to adopt Ordinance 2016-19. Committeeman Kelly seconded the motion.

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

Consent Agenda

**RESOLUTION 2016-218
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 November 10, 2016.

**RESOLUTION 2016-219
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 November 10, 2016.

**RESOLUTION 2016-220
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>
Fullerton Landscapes LLC 12 Chesler Terr Succasunna, NJ 07876	ROI 2015-48 18 Whitman Drive	7763179875	\$167.00

**RESOLUTION 2016-221
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE
OF NEW JERSEY AWARDDING A CONTRACT TO THE MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY FOR RECYCLING SERVICES**

WHEREAS, State law permits contracts for services between governmental entities without formal competitive bids; and

WHEREAS, the Township has entered into a contract with the Morris County MUA for the collection of Township recyclables using a single-stream system; and

WHEREAS, the Township wishes to renew the contract for an additional three years with two renewal options;

WHEREAS, the contract rate will be at the cost of annual rate of \$126,847.62 payable on a monthly basis for the year 2017, with a 2% increase for the successive three years with two annual renewal options at the same rate of increase;

WHEREAS, the contract also includes a formula for revenue sharing;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a contract for the curbside collection of recyclables at an annual rate of \$126,847.62 payable on a monthly basis for the year 2017, \$129,384.58 payable on a monthly basis for the year 2018, \$131,972.27 payable on a monthly basis for the year 2019 and if renewed, \$134,611.71 payable on a monthly basis for the year 2020 and \$137,303.95 payable on a monthly basis for the year 2021.

BE IT FURTHER RESOLVED that the Morris County MUA will make revenue sharing payments to the Township in a manner consistent with the language of the contract.

RESOLUTION 2016-222

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2016 ELECTRICAL IMPROVEMENTS AND FUEL STORAGE TANK PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids an Electrical Improvements and Fuel Storage Tank Project; and

WHEREAS, the bid specifications contained a typographical error in the bid opening date; 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 Attorney 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 Electrical Improvements and Fuel Storage Tank Project.

RESOLUTION 2016-223

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 KEITH & RENEE O'CONNOR

WHEREAS, Keith and Renee O'Connor ("Taxpayer"), the owner of Block 128, Lot 43 on the Township of Chatham's Tax Assessment Maps, commonly known as 9 Woodmont Drive ("Property"), filed an appeal of its 2016 tax assessment in the Tax Court of New Jersey, Docket No. 010141-2016.

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 128, Lot 43 was assessed at \$2,175,300 for the year under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon Taxpayer's property located at Block 128, Lot 43; and

WHEREAS, the 2016 total tax assessment, based upon said reduction, will be \$2,100,000 instead of \$2,175,300 for Block 128, Lot 43; and

WHEREAS, Taxpayer has agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; 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 \$2,100,000 total tax assessment for the 2016 Tax Year for Block 128, Lot 43, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Township Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Keith and Renee O'Connor ("Taxpayer")

Docket No. 010141-2016 which reduces the total tax assessment on Block 128, Lot 43 from \$2,175,300 to a total tax assessment of \$2,100,000 for the 2016 Tax Year; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.

3. 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.

Committeewoman Swartz addressed the renewal of the contract with the Morris County MUA for recycling pickup. She said that having weekly pickup would be too costly. Measures will be taken to make the Tanglewood Recycling Center more efficient, such as the installation of a compactor. Administrator Ciccarone said that the cost increase for weekly pickup was about \$60,000. He also said that there is not much of a market for recyclables, and used glass bottles are used for capping landfills.

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

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

Discussion

2017 Meeting Schedule

A proposed 2017 meeting schedule was provided to the members of the Township Committee. The Township Clerk said that the 2017 meeting schedule will be formally approved at the Reorganization Meeting in January.

Hearing of Citizens

Deputy Mayor Sullivan opened the Hearing of Citizens. Seeing no members of the public coming forward, Deputy Mayor Sullivan closed the Hearing of Citizens.

Executive Session

RESOLUTION 2016-P-18 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. Collective Bargaining Agreement: PBA
 - c. Property acquisition or investment options: Open Space
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-18 to enter Executive Session at 7:51 PM. Committeeman Kelly seconded the motion.

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

The Township Committee returned to public session at 8:24 PM, and the meeting was adjourned.

Gregory J. LaConte
Township Clerk