

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
JANUARY 6, 2020**

Mr. Don Travisano called the Reorganization Meeting of the Planning Board to order at 7:30 P.M.

**Adequate notice** of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2019, and January, 2020 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

**Oaths of Office**

Mr. Kelly, Mr. Hoffmann, Mrs. Ewald and Mr. Tarasca took their oaths of office en masse. Board Attorney Steve Warner administered the oaths.

Answering present to the roll call were Mr. Travisano, Mr. Franko, Mrs. Ewald, Mr. Hoffmann, Mr. Kelly, Mr. Nelson, Mrs. Ozdemir, Mr. Sheth and Mr. Tarasca.

Ms. Hagner and Mr. Coviello were absent.

Also present were Township Planner Frank Banisch and Board Attorney Steve Warner.

**Selection of Chairperson**

Mr. Warner acted as temporary chairman during the process of Selection of Chairperson.

Mr. Kelly nominated Donald Travisano to serve as Chairperson of the Planning Board for the year 2020. Mr. Franko seconded the motion.

Mr. Franko moved to close nominations. Mr. Nelson seconded the motion, which carried unanimously.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

**Selection of Vice-Chairperson**

Mr. Travisano nominated Tom Franko to serve as Vice- Chairperson of the Planning Board for 2020. Mr. Kelly seconded the motion.

Mr. Kelly moved to close nominations. Mrs. Ozdemir seconded the motion, which carried unanimously.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

**Selection of Secretary**

Mr. Kelly nominated Deniz Ozdemir to serve as the Planning Board Secretary. Mr. Franko seconded the nomination.

Mr. Franko moved to closed nominations. Mr. Nelson seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

**Resolutions**

**RESOLUTION 2020-001**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING BYLAWS**

**WHEREAS**, N.J.S.A. 40:55D-8(a) requires each municipal agency to adopt reasonable rules and regulations for the administration of its functions, powers and duties; and

**WHEREAS**, N.J.S.A. 40:55D-8(a) further requires that the municipal agency furnish a copy of the adopted rules and regulations to any person upon request; and

**WHEREAS**, N.J.S.A. 40:55D-8(a) further requires that the municipal agency's rules and regulations thereto be maintained in the office of the administrative officer;

**THEREFORE, BE IT RESOLVED**, that the attached bylaws for the Planning Board of the Township of Chatham, be, and the same are hereby adopted; and

**BE IT FURTHER RESOLVED**, that copies of this resolution and copies of the attached said bylaws be maintained in the Office of the Board Manager located at the Municipal Building, 58 Meyersville Road, Chatham.

Mr. Warner noted that the section pertaining to rights and privileges should use the word responsibilities in place of the word disabilities.

Mr. Franko moved to approve Resolution 2020-001 with the amendment. Mr. Nelson seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

Mr. Franko asked that the remaining resolutions be adopted as a Consent Agenda. Mr. Warner said that they can, as long as there is a roll call vote.

**RESOLUTION 2020-002**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PLANNING BOARD LEGAL SERVICES WITH STEVEN K. WARNER, ESQ., OF  
VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C  
FOR 2020**

**WHEREAS**, the Planning Board of the Township of Chatham has a need to acquire the legal services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is up to December 31, 2020, and

**WHEREAS**, VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2020; and

**NOW THEREFORE, BE IT RESOLVED** that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

**BE IT FURTHER RESOLVED** that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

**BE IT FURTHER RESOLVED** that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

**RESOLUTION 2020-003**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J. LACONTE AS  
RECORDING SECRETARY FOR THE PLANNING BOARD**

**WHEREAS**, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Recording Secretary for the Board for the period commencing January 1, 2020 and ending December 31, 2020

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

Gregory J. LaConte is hereby appointed as Recording Secretary for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1, 2020 and terminating December 31, 2020; and

The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham. Services to be rendered and encompassed by said annual salary shall include attendance at work, regular and special meetings of the Board and submission of written minutes summarizing events occurring at each Board meeting; and

The amount of compensation for attendance at special meetings of the Board shall be in the amount as stipulated; and

This Resolution shall take effect upon adoption; and

A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

**RESOLUTION 2020-004**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KATHLEEN NAGY - DEROSA AS MANAGER FOR THE PLANNING BOARD**

**WHEREAS**, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kathleen Nagy-DeRosa as Manager for the Board for the period commencing January 1, 2020 and ending December 31, 2020.

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

Kathleen Nagy-DeRosa is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for the period commencing January 1, 2020 and terminating December 31, 2020.

The compensation to be paid to Kathleen Nagy-DeRosa for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham; and

This Resolution shall take effect upon adoption; and

A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

**RESOLUTION 2020-005**

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A REGULAR MEETING SCHEDULE FOR THE PLANNING BOARD DURING 2020 AND JANUARY 2021**

**WHEREAS**, The “Open Public Meeting Act,” N.J.S.A.10:4-6 and following requires that public bodies provide adequate notice of meetings.

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

During the calendar year 2020, and January 2021 public meetings (work meetings, regular meetings and Technical Coordinating Committee (TCC) meetings), will be held by the Planning Board at the Municipal Building, 58 Meyersville Road, Chatham, Township, on the following dates and at the following times:

**MEETING DATES 2020 – 2021**

**WORK MEETING**  
(1<sup>st</sup> Monday, 7:30 p.m.)

**REGULAR MEETING**  
(3<sup>rd</sup> Monday, 7:30 p.m.)

**TCC MEETING 2020**  
(2<sup>nd</sup> Thursday, 8:00 a.m.)

**2020**

February 3  
March 2  
April 6  
May 4  
June 1  
July 6

February 24  
March 16  
April 20  
May 18  
June 15  
July 20

February 13  
March 12  
April 9  
May 14  
June 11  
July 9

August 3  
September 14  
October 5  
November 2  
December 7

August 17  
September 21  
October 19  
November 16  
December 21

August 13  
September 10  
October 8  
November 12  
December 10

**2021**      January 4      January 18      January 14

Formal action may be taken at either the work or regular meetings listed above. During the calendar year 2020 and January 2021, additional public meetings will be held by the Planning Board for purposes of site inspections at 9:00 a.m prevailing time, starting at the Municipal Building, 58 Meyersville Road, Chatham, or such other location as announced by the Board, on the following dates:

**SITE VISITS 9:00 A.M**

**First Saturday**

**2020**      **1<sup>ST</sup> Saturday**

February 1  
March 7  
April 4  
May 2  
June 6  
July 11  
August 1  
September 12  
October 3  
November 7  
December 5

**2021**      January 2

The Secretary of the Planning Board shall cause the Resolution to be published in both the Chatham Courier and the Morris County Daily Record, posted on the bulletin board in the main hallway of the Municipal Building 58 Meyersville Road, Chatham Township, New Jersey, and a copy filed with the Township Clerk.

**RESOLUTION 2020-006**  
**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS AND**  
**FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS 2020**

**WHEREAS**, THE “Open Public Meetings Act,” N.J.S.A. 10:4-6, and following, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth.

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

The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2020 as the two newspapers to receive notice of meetings of the Planning Board as required by any and all sections of the Open Public Meetings Act, it appearing that these newspapers are most likely to inform the local public of such meetings; and

The Chatham Courier and the Morris County Daily Record are hereby designated as the official newspapers of the Township in which to publish legal notices regarding matters and applications before

the Planning Board; the Township Committee having previously designated the Chatham Courier and the Morris County Daily Record as the Official Newspapers of the Township; and

The public place for the posting of notices of meetings of the Planning Board for the calendar year 2020, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey; and

The sum of \$ 35.00 is hereby affixed as the fee to be paid by any person requesting that copies of any regular meeting schedule of the Planning Board for the calendar year 2020, and revisions thereof, and notices of Planning Board meetings during the calendar year 2020 not included in such schedule, or revisions thereof, be mailed to such persons as specified in N.J.S.A. 10:4-19, provided, however, that no charge shall be made to any news media requesting the mailing of notices to its business office.

This Resolution shall take effect upon adoption; and

A certified copy of the Resolution shall be mailed by the Secretary of the Board to the Chatham Courier and the Morris county Daily Record, and a certified copy shall be filed with the Clerk of the Township of Chatham and the Secretary of the Planning Board.

Mr. Warner noted that the meeting dates for January 2021 in the draft resolution need to be adjusted to be January 11<sup>th</sup> and January 25<sup>th</sup>.

Mr. Franko moved to approve the resolutions. Mr. Kelly seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

### **Other Business**

Mr. Nelson moved to excuse Ms. Hagner's absence. Mr. Tarasca seconded the motion, which carried unanimously.

### **Approval of Minutes**

Mr. Franko moved to approve the December 16, 2019 meeting. Mr. Tarasca seconded the motion, which carried unanimously with abstentions by those who were not present.

### **Executive Session**

#### **RESOLUTION 2020-007**

#### **RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE PLANNING BOARD WITH THE PUBLIC EXCLUDED**

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

**WHEREAS,** it is necessary for the Planning Board of the Township of Chatham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b(8) and designated below.

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

1. The public shall be excluded from the discussion of the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is matters relating to the employment relationship.
3. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Planning Board that the public interest will no longer be served by such confidentiality.
4. This Resolution shall take effect immediately.

Mr. Franko moved to adopt Resolution 2020-007 to enter Executive Session at 7:45 PM. Mr. Nelson seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

The Planning Board returned to Public Session at 8:02 PM.

## **Resolutions**

### **RESOLUTION 2020-008 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF MOTT MAC DONALD FOR 2020**

**WHEREAS**, the Planning Board of the Township of Chatham has a need to acquire the engineering services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is 1 year; and

**WHEREAS**, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has 2020; and determined that sufficient funds are or will be available upon adoption of the budget for year 2020; and

**NOW THEREFORE, BE IT RESOLVED** that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with John K. Ruschke, with Mott MacDonald as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of

the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

**BE IT FURTHER RESOLVED** that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

**BE IT FURTHER RESOLVED** that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

Mr. Nelson moved to adopt Resolution 2020-008. Mrs. Ozdemir seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

### **RESOLUTION 2020-009**

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK BANISCH OF BANISCH ASSOCIATES, INC. FOR 2020**

**WHEREAS**, the Planning Board of the Township of Chatham has a need to acquire the planning services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is 1 year with the proviso that a subcommittee comprised of the Planning Board Chairperson and the Class II member (Township Administrator), and possibly one additional Planning Board member shall review the Board Planner's performance to date at a time to be determined by said subcommittee; and

**WHEREAS**, Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Banisch Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2020; and

**NOW THEREFORE, BE IT RESOLVED** that, subject to the Planning Board's review and approval of the Contract for Professional Services, the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Frank Banisch, P.P., with the Banisch Associates, Inc., as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

**BE IT FURTHER RESOLVED** that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

**BE IT FURTHER RESOLVED** that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

Mr. Franko moved to adopt Resolution 2020-009. Mrs. Ozdemir seconded the motion.

**Roll Call:** Mr. Travisano, Aye; Mr. Franko, Aye; Mrs. Ewald, Aye; Ms. Hagner, Absent; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Absent; Mr. Tarasca, Aye.

Mr. Franko moved to adjourn at 8:04 PM. Mrs. Ozdemir seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary