

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
JANUARY 7, 2019**

Ms. Nicole Hagner called the Reorganization Meeting of the Planning Board to order at 7:34 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 2018, and January, 2019 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. Ciccarone, Mrs. Swartz, Mrs. Ozdemir, Mr. Sheth and Mr. Coviello took their oaths of office en masse. Board Attorney Steve Warner administered the oaths.

Answering present to the roll call were Mr. Kelly, Mr. Ciccarone, Mrs. Swartz, Mr. Franko, Ms. Hagner, Mr. Nelson, Mrs. Ozdemir, Mr. Sheth, Mr. Coviello and Mr. Tarasca. Mr. Travisano was absent. Also present was Board Attorney Steve Warner.

**Selection of Chairperson**

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

Mr. Nelson nominated Nicole Hagner to serve as the Chairperson of the Planning Board for the year 2019. Mrs. Swartz seconded the motion.

Mr. Kelly nominated Donald Travisano to serve as Chairperson of the Planning Board for the year 2019. Mr. Franko seconded the motion.

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

Mr. Warner noted that although Mr. Travisano has not yet been sworn in for his new term as a Class IV Planning Board member, he is still eligible for nomination as the Mayor has made the appointment of Mr. Travisano as a Class IV regular member. He also said that Mr. Travisano had emailed the Township Clerk indicating that he would accept the nomination, and Mr. LaConte presented a copy of the email to Mr. Warner who read the email into the record.

A roll call vote was conducted on the nomination of Ms. Hagner for Chairperson of the Planning Board for 2019. The motion to elect Ms. Hagner as Chairperson failed by a vote of 3 to 6.

**Roll Call:** Mr. Ciccarone, Abstain; Mr. Franko, Nay; Ms. Hagner, Aye; Mr. Kelly, Nay; Mr. Nelson, Aye; Mrs. Ozdemir, Nay; Mr. Sheth, Nay; Mrs. Swartz, Aye; Mr. Travisano, Absent; Mr. Coviello, Nay.

A roll call vote was conducted on the nomination of Mr. Travisano for Chairperson of the Planning Board for 2019. The vote to elect Mr. Travisano as Chairperson passed by a vote of 6 to 3.

**Roll Call:** Mr. Ciccarone, Abstain; Mr. Franko, Aye; Ms. Hagner, Nay; Mr. Kelly, Aye; Mr. Nelson, Nay; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mrs. Swartz, Nay; Mr. Travisano, Absent; Mr. Coviello, Aye.

**Selection of Vice-Chairperson**

Mr. Kelly nominated Tom Franko to serve as Vice- Chairperson of the Planning Board for 2019. Mr. Coviello seconded the motion.

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

A roll call vote was conducted on the nomination for Mr. Franko as Vice-Chairperson. The motion to elect Mr. Franko as Vice-Chairperson passed by a vote of 7 to 2.

**Roll Call:** Mr. Ciccarone, Aye; Mr. Franko, Aye; Ms. Hagner, Nay; Mr. Kelly, Aye; Mr. Nelson, Nay; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mrs. Swartz, Aye; Mr. Travisano, Absent; Mr. Coviello, Aye.

Following his election as Vice-Chairperson, Mr. Franko chaired the remainder of the meeting.

**Selection of Secretary**

Mr. Ciccarone nominated Karen Swartz to serve as the Planning Board Secretary. Mr. Kelly seconded the nomination.

Mr. Kelly moved to closed nominations. Mr. Ciccarone seconded the motion.

A roll call vote was conducted on the nomination for Mrs. Swartz to serve as Board Secretary for 2019. The motion to elect Mrs. Swartz as Board Secretary passed by a vote of 9 to 0.

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

**Resolutions**

**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 2019**

**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, 2019, 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 2019; 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.

Ms. Hagner moved to approve the resolution appointing Mr. Warner as Board Attorney. Mr. Ciccarone seconded the motion.

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

**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 2019**

**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 the Mott MacDonald from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has 2019; 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.

Mrs. Swartz moved to pass the resolution appointing John Ruschke as Board Engineer. Ms. Hagner seconded the motion.

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

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK BANISCH OF BANISH ASSOCIATES, INC. FOR 2019**

**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; 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 2019; 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.

Ms. Hagner raised concerns about Mr. Banisch's performance as Township Planner, and said that he used to be more attentive to the Township. She suggested that the Planning Board should consider options. Mrs. Swartz said that she concurs that alternate options should be explored. Mr. Kelly asked for clarification if Mr. Banisch should be put on notice for 2019. Ms. Hagner said that she has had conversations with Mr. Banisch, and she is concerned how long it takes for work to get done. Mr. Kelly said that the Board should keep an eye on Mr. Banisch's performance, and consider the issue at the end of the year.

Mr. Nelson moved to adopt the resolution appointing Frank Banisch as Board Planner. Mr. Kelly seconded the motion.

**Roll Call:** Mr. Ciccarone, Aye; Mr. Franko, Aye; Ms. Hagner, Nay; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mrs. Swartz, Aye; Mr. Travisano, Absent; Mr. Coviello, Aye.

**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, 2018 and ending December 31, 2019.

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

1. 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, 2019 and terminating December 31, 2019; and

2. 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

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

4. This Resolution shall take effect upon adoption; and

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

Ms. Hagner moved to adopt the resolution appointing Gregory LaConte as Recording Secretary. Mr. Nelson seconded the motion.

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

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI TSIMBOUKIS  
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 Kali Tsimboukis as Manager for the Board for the period commencing January 1, 2019 and continuing at the pleasure of the Planning Board but not to exceed a term of one year.

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

1. Kali Tsimboukis is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a period commencing January 1, 2019 and continuing at the pleasure of the Planning Board but not to exceed a term of one year; and
2. The compensation to be paid to Kali Tsimboukis for services rendered to the Board shall be in accordance with the salary Ordinance of the Township of Chatham; and
3. This Resolution shall take effect upon adoption; and
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. Ciccarone said that Mrs. Tsimboukis has returned on a part-time basis until a permanent replacement for the Technical Assistant and the Board Manager positions can be found. Mr. Warner asked if there is an expectation that Mrs. Tsimboukis would serve for a term of less than one year. Mr. Ciccarone said that he anticipates that Mrs. Tsimboukis would resign once a permanent replacement is found. Mr. Warner said that the resolution should be modified to have the appointment be at the pleasure of the Planning Board for a period not to exceed one year.

Mr. Kelly moved to adopt the amended resolution appointing Kali Tsimboukis as Planning Board Manager. Ms. Hagner seconded the motion.

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

**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 2019 AND JANUARY 2020**

**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 2019, and January 2020, 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:

	<b>MEETING DATES 2019 – 2020</b>	
<b>WORK MEETING</b>	<b>REGULAR MEETING</b>	<b>TCC MEETING 2018</b>

(1 <sup>st</sup> Monday, 7:30 p.m.) a.m)	(3 <sup>rd</sup> Monday, 7:30 p.m.)	(2 <sup>nd</sup> Thursday, 8:00
<b>2019</b>	February 4	February 14
	March 4	March 14
	April 1	April 11
	May 6	May 9
	June 3	June 13
	July 1	July 11
	August 5	August 8
	September 9	September 12
	October 7	October 10
	November 4	November 7
	December 2	December 1
<b>2020</b>	January 6	January 9

Formal action may be taken at either the work or regular meetings listed above. During the calendar year 2019 and January 2020, 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
<b>2019</b>	<b>1<sup>ST</sup> Saturday</b>
	February 2
	March 2
	April 6
	May 4
	June 1
	July 6
	August 3
	September 7
	October 5
	November 2
	December 7
<b>2020</b>	January 4

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.

Mr. Franko noted that the January 28, 2019 meeting was already scheduled.

Ms. Hagner moved to adopt the resolution designating meeting dates for 2019 and January 2020. Mr. Kelly seconded the motion.

**Roll Call:** Mr. Ciccarone, Nay; Mr. Franko, Aye; Ms. Hagner, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mrs. Swartz, Aye; Mr. Travisano, Absent; Mr. Coviello, Aye.

**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 2019**

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

1. The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2019 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
2. 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
3. The public place for the posting of notices of meetings of the Planning Board for the calendar year 2019, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey; and
4. 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 2019, and revisions thereof, and notices of Planning Board meetings during the calendar year 2019 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.
5. This Resolution shall take effect upon adoption; and
6. 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.

Ms. Hagner moved to adopt the resolution designating official newspapers. Mr. Nelson seconded the motion.

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

**Approval of Minutes**

Ms. Hagner moved to approve the minutes of the December 3, 2018 meeting. Mr. Nelson seconded the motion, which carried unanimously with abstentions from Mr. Ciccarone and those who were not present at the meeting.

### **Other Business**

Mr. Ciccarone asked who is taking responsibility for making sure that the new members of the Planning Board receive the mandatory training required by the Municipal Land Use Law. Mr. Warner said that he would provide the information on the training seminars available. He also noted that Class I, Class II and Class III members are exempt from the training requirement but are welcome to attend the training seminars. Mr. Warner said that the training course must be completed within the first 18 months of membership on a land use board.

Mr. LaConte informed the new members that later this year all Board members will be required to file a Financial Disclosure Statement, which is a State requirement.

### **Public Comment**

Mr. Franko opened the floor for public comment.

1. Bailey Brower, 16 Driftway, said that he appreciates the opportunity he had to work with the Planning Board for a number of years. He said that the Planning Board has been an organization that has worked to make Chatham Township a great place to live. Mr. Brower also commented on the maintenance of the character of the Township. He also said he has seen the Planning Board evolve from taking a myopic approach to taking having a broad approach. Mr. Brower also said that he has never seen the politicization of either the Planning Board or the Zoning Board. He speculated that that the vote for chairmanship of the Planning Board had been worked out in advance by Mr. Kelly, and he expressed his disapproval of what he speculated was Mr. Kelly's conduct.

Seeing no further comment, Mr. Franko closed the public comment.

Mr. Ciccarone moved to adjourn at 8:15 PM. Mr. Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary