

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
JANUARY 9, 2017**

Mr. Thomas Franko called the Reorganization Meeting of the Planning Board to order at 7:32 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 2016 and January, 2017 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

**Oaths of Office**

The newly appointed members took their oaths of office en masse. Amanda C. Wolfe, Esq. administered the oaths.

**Selection of Temporary Chairperson**

Mr. Travisano moved to nominate Thomas Franko to serve as Temporary Chairperson. Mr. Nelson seconded the nomination.

**Roll Call:** Mr. Franko, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Nelson, Aye; Mr. Sullivan, Aye; Mr. Travisano, Aye.

**Selection of Chairperson**

Mr. Nelson nominated Nicole Hagner to serve as the Chairwoman of the Planning Board for the year 2017. Mr. Brower seconded the motion.

**Roll Call:** Mr. Franko, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Nelson, Aye; Mr. Sullivan, Aye; Mr. Travisano, Aye.

**Selection of Vice-Chairperson**

Mr. Sullivan nominated Jack Hurring to serve as Vice-Chair. Mr. Nelson seconded the nomination.

**Roll Call:** Ms. Hagner, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Aye; Mr. Nelson, Aye; Mr. Sullivan, Aye; Mr. Travisano, Aye.

**Selection of Secretary**

Mr. Nelson nominated Karen Swartz to serve as the Planning Board Secretary. Mr. Travisano seconded the nomination.

**Roll Call:** Ms. Hagner, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Aye; Mr. Nelson, Aye; Mr. Sullivan, Aye; Mr. Travisano, Aye.

**Roll Call**

Answering present to the roll call were Mr. Franko, Mr. Hurring, Mr. Brower, Ms. Hagner, Mr. Nelson, Mr. Sullivan, Mrs. Swartz, Mr. Travisano. Mr. Ciccarone was absent.

Also present were Amanda C. Wolfe, Esq, filling in for Board Attorney Steven Warner and Board Engineer John Ruschke and Township Frank Banisch.

**Resolutions**

**RESOLUTION PB-2017-01**

**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 2017**

**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, 2017, 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 2017; 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 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 PB-2017-02**

**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 2017**

**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 Hatch 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 determined that sufficient funds are or will be available upon adoption of the budget for year 2017; 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 the 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 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 PB-2017-03**

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK BANISCH, P.P OF BANISCH ASSOCIATES, INC. FOR 2017**

**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 2017; 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 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 PB-2017-04**  
**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, 2017 and ending December 31, 2017.

**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, 2017 and terminating December 31, 2017.
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.
3. The amount of compensation for attendance at special meetings of the Board shall be in the amount as stipulated.
4. This Resolution shall take effect upon adoption.
5. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

**RESOLUTION PB-2017-05**  
**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING MEG SMITH 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 Meg Smith as Manager for the Board for the period commencing January 1, 2017 and ending December 31, 2017.

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

1. Meg Smith is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1, 2017 and terminating December 31, 2017.
2. The compensation to be paid to Meg Smith for services rendered to the Board shall be in accordance with the salary Ordinance of the Township of Chatham.
3. This Resolution shall take effect upon adoption.

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

**RESOLUTION PB-2017-06**  
**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 2017 AND JANUARY 2018**

**WHEREAS**, The “Open Public Meeting Act,” R.S.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 2017, and January 2018, 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 2017 – 2018**

<b>WORK MEETING</b>	<b>REGULAR MEETING</b>	<b>TCC MEETING 2017</b>
(1 <sup>st</sup> Monday, 7:30 p.m.)	(3 <sup>rd</sup> Monday, 7:30 p.m.)	(2 <sup>nd</sup> Thursday, 8:00 a.m)
<b>2017</b>	February 27	February 9
February 6	March 20	March 9
March 6	April 17	April 13
April 3	May 15	May 11
May 1	June 19	June 8
June 5	July 17	July 13
July 3	August 21	August 10
August 7	September 25	September 14
September 11	October 16	October 12
October 2	November 20	November 9
November 6	December 18	December 14
December 4		
<b>2018</b>	January 22	January 11
January 8		

Formal action may be taken at either the work or regular meetings listed above. During the calendar year 2017 and January 2018, 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>2017</b>	<b>1<sup>ST</sup> Saturday</b>
	February 4
	March 4
	April 1
	May 6
	June 3
	July 1
	August 5
	September 9
	October 7
	November 4
	December 2
<b>2018</b>	January 6

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 PB-2017-07**  
**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 OF SAID PLANNING BOARD DURING 2017**

**WHEREAS**, the “Open Public Meetings Act,” R.S. 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 2017 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.
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.
3. The public place for the posting of notices of meetings of the Planning Board for the calendar year 2017, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey.
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 2017, and revisions thereof, and notices of Planning Board meetings during the calendar year 2017 not included in such schedule, or revisions thereof, be mailed to such persons as specified in R.S. 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.

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. Brower moved to approve the resolutions. Mr. Nelson seconded the motion.

**Roll Call:** Ms. Hagner, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Aye; Mr. Sullivan, Aye; Mr. Nelson, Aye; Mr. Travisano, Aye.

**Approval of Minutes**

Mr. Nelson moved to approve the November 21, 2016 minutes. Mr. Hurring seconded the motion, which carried unanimously with one abstention by Mr. Brower.

Ms. Wolfe had three corrections to the December 19, 2016 minutes. Mr. Hurring moved to approve the December 19, 2016 minutes as amended. Mr. Nelson seconded the motion, which carried unanimously with abstentions by Mr. Brower and Mr. Travisano.

## **Other Business**

Mr. Brower asked about a pending application for generators at Rose Valle. He said that the Board of Health discussed the need to have generators located in places where noise would not become an issue. Mrs. Smith said that the applicant has indicated that they do not desire to move forward with the generator application, and that the applicant still needs to file formal paperwork to close out the application.

Ms. Hagner inquired about the pending application for retail space at the Exxon station at the corner of Green Village Road and Shunpike Road. Mr. Ruschke said that the applicant has expressed that they desire to reappear before the Planning Board, and Mrs. Smith indicated that the escrow account needs to be brought up to date before the application can move forward. Mr. Sullivan asked if incomplete applications should be removed from agendas. Ms. Hagner said that the Board could do a better job at ascertaining why applications are incomplete or not moving forward.

Mr. Brower asked if applications could be dismissed after a certain amount of time of inactivity on the part of the applicant. Ms. Wolfe said she is not aware if land use boards can dismiss an inactive application. Mr. Sullivan said that the presence of the items on the agenda gives the impression that action will be taken. Ms. Hagner suggested that the agenda show that the no action is anticipated pending further notice.

Ms. Hagner asked if Mr. Gunn met his deadlines for the Highgate at Chatham project. Mr. Ruschke said that the project is substantially complete, and some as built drawings are pending. He also discussed the work which was performed at the site.

Mr. Brower said that he would like for the Board to discuss grant applications submitted by the Township, and how the money is spent. Ms. Hagner said that the matter can be placed on a future agenda.

The meeting was adjourned at 7:55 PM.

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Gregory J. LaConte  
Planning Board Recording Secretary