

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
JANUARY 19, 2017**

Deputy Mayor Swartz called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:35 P.M.

**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 6, 2017; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2017; and notice was filed with the Township Clerk on January 6, 2017.

Deputy Mayor Swartz noted that the inauguration of President Trump is scheduled for January 20<sup>th</sup>, and she commented on the peaceful transfer of authority. She asked those in attendance to join her in a moment of silent contemplation.

Deputy Mayor Swartz led the flag salute.

**Roll Call**

Answering present to the roll call were Committeeman Kelly, Committeeman Sullivan and Deputy Mayor Swartz. Committeeman Maurer and Mayor Ritter were absent.

**Approval of Agenda**

Committeeman Kelly moved to approve the agenda. Committeeman Sullivan seconded the motion, which carried unanimously.

**Reports**

Committeeman Kelly reported that applications are being accepted for new plot holders at the Community Garden.

Deputy Mayor Swartz reported that the Senior Center is planning its annual Donor Party. The Senior Center is also working with the Tri-Town 55+ Coalition, and pilot programs for transportation are being explored. Deputy Mayor Swartz also reported that NJ American Water has approached the Township regarding the need to replace a water main on Lafayette Avenue. Sections of Lafayette Avenue would need to be closed down for a period of approximately 5 weeks. Administrator Ciccarone said that the proposed upgrade will increase water flow, and this project needs to be completed before NJAW can conduct a project to clean and reline water lines that connect to the main. He also noted that final paving needs to wait until several months after the project is complete. Administrator Ciccarone also outlined the proposed work schedule for the project.

Administrator Ciccarone reported that the NJ Supreme Court ruled that affordable housing obligations will need to include the "gap period" from 1999 to 2015.

**Hearing of Citizens**

Deputy Mayor Swartz opened the Hearing of Citizens.

1. Mike Ryan, 73 Orchard Road (Chatham Borough), said that the Board of Education has announced plans to vacate the space they rent in the Municipal Building and move their staff into a new facility which would cost approximately \$2.1 million. Mr. Ryan asked about the square footage and rent payments for the space currently rented by the School District. Administrator Ciccarone said that the lease agreement has expired, and a new agreement is being discussed. The payments for the current space are \$50,000 a year, and he noted where the offices are. The School District is asking to expand their space in the Municipal Building into some offices which are currently unused, and Administrator Ciccarone said that a preliminary figure for new rent payments is \$60,000 per year. Mr.

Ryan asked if the School District's use of the office space can be made permanent. Administrator Ciccarone said that from the Township's perspective, the School District can continue to rent the space permanently, and it is up to the School District to determine if the space fits their needs. Mr. Ryan asked if any notice had been given by the School District to the Township that they had been considering vacating their current offices. Committeeman Sullivan said that they had not given such notice. Administrator Ciccarone said that it is not up to Township officials to decide if the space meets the School District's needs. Deputy Mayor Swartz noted that the Board of Education members are elected officials.

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

### **Introduction of Ordinances**

#### **Ordinance 2017-01**

#### **ORDINANCE 2017-01**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to the cost of living adjustment or .5% whichever is less, unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain expectations; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$385,543.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2017 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$385,543.34 and that the CY 2017 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Administrator Ciccarone said that this ordinance is the first step in the budget process. He said that the appropriations cap is tied to the cost of living index. If a municipality adopts a cap bank ordinance, the municipality can increase appropriations up to 3.5% over the prior year, and bank the difference between the actual appropriations and the cost of living index.

Committeeman Sullivan moved to introduce Ordinance 2017-01. Committeeman Kelly seconded the motion.

**Roll call:** Committeeman Maurer, Absent; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Absent.

Public Hearing on Ordinance 2017-01 will be scheduled for February 2, 2017.

**ORDINANCE 2017-02**  
**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO AMEND THE ANNUAL RENEWAL FEE FOR LIQUOR LICENSES**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

1. **6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<i>Class of License</i>	<i>Annual Fee</i>	<i>Number</i>
Plenary Retail Consumption License	\$2500.00	3
Plenary Retail Distribution License	\$1566.00	2

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.

3. This ordinance shall take effect as provided by law.

The Township Clerk explained that municipalities are allowed to raise liquor license renewal fees by 20% over the prior year’s fee, up to a maximum renewal fee of \$2500.00. The Township Committee has opted to raise fees over the past several years, and this ordinance raises the Plenary Retail Distribution License in accordance with the allowable amount.

Committeeman Kelly moved to introduce Ordinance 2017-02. Committeeman Sullivan seconded the motion.

**Roll call:** Committeeman Maurer, Absent; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Absent.

Public Hearing on Ordinance 2017-02 will be scheduled for February 2, 2017.

**Consent Agenda**

**RESOLUTION 2017-039**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

**BE IT RESOLVED** that bills in the total amount of \$1,090,987.19 and the prior month’s payroll of \$443,146.18 Current Fund, \$47,177.86 Sewer No. 1, \$9,400.21 Sewer No. 2, and \$28,903.07 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of January 2017, in the amount of \$2,963,375.00 be paid.

**RESOLUTION 2017-040**  
**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:

- Construction Official – December
- CFO – December
- Tax Collector – December
- Police Department – December
- State Training Fees – 4<sup>th</sup> Quarter
- Registrar of Vital Statistics – 4<sup>th</sup> Quarter
- Dog Licensing Official – 4<sup>th</sup> Quarter

**RESOLUTION 2017-041  
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 January 5, 2017.

**RESOLUTION 2017-042  
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 January 5, 2017.

**RESOLUTION 2017-043  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL AUDITING SERVICES WITH NISIVOCIA LLP FOR 2017**

**WHEREAS**, the Township of Chatham has a need to acquire the professional auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500, not to exceed \$100,000; and,

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

**WHEREAS**, Nisivoccia LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Nisivoccia LLP 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 Nisivoccia LLP 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 the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Nisivoccia LLP, Inc. as described herein; 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.

**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 a notice of this resolution shall be printed as provided by law in the Chatham Courier.

**RESOLUTION 2017-044  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPROVING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT  
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE  
ROBERT DRIVE, DALE DRIVE & SPRING STREET ROAD RESURFACING PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project. The project limits are as follows:

Robert Drive: Full Length (Southern Boulevard to Dale Drive)

Dale Drive: Robert Drive to Spring Street

Spring Street: Dale Drive to the Chatham Township Emergency Squad Driveway

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Robert Drive, Dale Drive & Spring St-00063 to the New Jersey Department of Transportation on behalf of the Township of Chatham.

**BE IR FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes the acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION 2017-045  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
REFUNDING TAX LIEN**

**WHEREAS**, due to payment by property owner of the lien amount, a redemption of a tax lien is appropriate; and

**WHEREAS**, the Tax Collector has recommended the refund of such tax lien

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
12	10.01	PARK FINANCE II, LLC PO BOX 109 CEDAR KNOLLS, NJ 07927  Certificate #12-00001 Smith, Roland A & Janet J 160 Meyersville Road	\$ 75,442.06 -Certificate <u>\$ 15,100.00 -Premium</u>  \$ 90,542.06 -Total

**BE IT FURTHER RESOLVED** that the Tax Collector is authorized to prepare and sign a Discharge of Tax Certificate 12-00001.

Administrator Ciccarone explained that Resolution 2017-044 authorizes submission of a grant application for repaving of Robert Drive, a section of Dale Drive and a section of Spring Street. Committeeman Kelly asked if the NJAW project would affect the repaving. Administrator Ciccarone said that it should not affect the repaving, but he will check.

Administrator Ciccarone also addressed Resolution 2017-045. The item was pulled from the agenda at the last meeting, and the pending issues have been resolved.

Committeeman Sullivan moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

**Roll call:** Committeeman Maurer, Absent; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Absent.

**Hearing of Citizens/Petitions**

Deputy Mayor Swartz opened the Hearing of Citizens.  
Seeing no further comment, Deputy Mayor Swartz closed the Hearing of Citizens.

Committeeman Sullivan moved to adjourn at 8:08 PM. Committeeman Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk