

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
JANUARY 24, 2019**

Mayor Selen 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 4, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2019; and notice was filed with the Township Clerk on January 4, 2019.

Mayor Selen led the flag salute.

**Roll Call**

Answering present to the roll call were Committeewoman Ness, Committeewoman Swartz, Committeeman Ritter, Deputy Mayor Kelly and Mayor Selen.

**Approval of Agenda**

Deputy Mayor Kelly moved to approve the agenda. Committeewoman Ness seconded the motion, which carried unanimously.

**Oath of Office**

**Police Sergeant**

Mayor Selen provided background on Sergeant Weinert's accomplishments during his career in the Chatham Township Police Department.

The oath of office for Sergeant Weinert was administered by Mayor Selen.

**Proclamations**

**National Catholic Schools Week**

Mayor Selen read aloud the attached proclamation for National Catholic Schools Week.

Committeewoman Swartz said that she is a proud supporter of Catholic education, and volunteered to present the proclamation to St. Patrick School.

**Honoring Rev. Edward Halldorson**

Mayor Selen read aloud the attached proclamation honoring Rev. Dr. Edward Halldorson upon his retirement following 30 years as Senior Pastor at the Chatham Township Presbyterian Church.

Rev. Halldorson said that he has enjoyed his time in Chatham, and noted that his children attended Chatham schools.

**Honoring Tom Ciccarone**

**RESOLUTION 2019-054  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
HONORING THOMAS E. CICCARONE FOR HIS YEARS OF FAITHFUL AND DEDICATED  
SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

**WHEREAS, Thomas E. Ciccarone** began service as the Township Administrator on April 10, 2000 and has served continuously in that office since that time; and

**WHEREAS, Tom** also served as the Township's Certified Municipal Finance Officer until 2010; and

**WHEREAS, Tom** has also served as Deputy Zoning Officer, Affordable Housing Liaison, Joint Insurance Fund Commissioner, Contract Compliance Officer and served the Township as a Class II Planning Board member for the past 15 years; and

**WHEREAS, Tom** guided the Township through recovery from major storms, development of the Joint Recreation Program and the Joint Municipal Court, the purchase of significant open space purchases such as Kirby Farm, Woodland Park, Giralda Farms, Upper Hillside and also the settlement of the Township's 3<sup>rd</sup> Round Affordable Housing Obligation; and

**WHEREAS, Tom** has overseen the completion of numerous capital improvement projects including the resurfacing of all municipal streets; the purchase of much needed equipment and trucks for our Volunteer Fire Departments and Department of Public Works; the consolidation of the Township's two sewer treatment plants which resolved long standing issues with DEP permitting; improvements to all of the Township's recreation facilities which included the complete reconstruction of Shunpike Field and installation of an all weather turf field and lights and many improvements to Colony Pool including the replacement of the main wall, all while consistently providing the Township with annual operating budgets that have kept the local tax rate largely unchanged, and

**WHEREAS, Tom** has provided guidance and good counsel to Mayors and Members of the Township Committee, and the Township staff and has offered opinions, both wanted and unwanted to anyone who wanted or needed one while always bringing a sense of humor to the performance of his duties.

**WHEREAS, Tom Ciccarone** is finally retiring from public service effective February 1, 2019, 36 years after he began.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that we hereby, recognize, and extend our deep appreciation to **Thomas E. Ciccarone** upon the occasion of his retirement and extend to him and his wife Mary Beth, sons Austin and Marshall and daughters Manon and Shaye our best wishes for success and happiness in the future and urge the residents of Chatham Township to join us in saying good riddance and don't let the door hit you in the butt.

Mayor Selen read aloud the above resolution honoring Administrator Ciccarone upon his retirement.

Administrator Ciccarone thanked his family for their support during his time with the Township. He also thanked the Township Committee for their support, and particularly noted his thanks to the members of the Committee at the time he was hired. Administrator Ciccarone also thanked the staff members. He also thanked the residents of Chatham Township, particularly those who serve on boards and volunteer to help run Chatham Recreation activities.

Committeeman Ritter said that it has been a privilege to work alongside Administrator Ciccarone. He and DPW Director Rich Young presented him with a "Ciccarone Way" street sign. Committeeman Ritter also said that a bench will be placed at the Giralda Farms Preserve in honor of Administrator Ciccarone.

Deputy Mayor Kelly thanked Administrator Ciccarone for everything he has accomplished for the Township.

Committeewoman Ness commented on her experiences working with Administrator Ciccarone when she was a reporter for the Independent Press. She thanked Administrator Ciccarone for his service and wished him well in the future.

Committeewoman Swartz complimented Administrator Ciccarone on how he handled Township finances. She also commented on the open space acquisitions during Administrator Ciccarone's tenure. Administrator Ciccarone commented on the acquisition of the Giralda Farms preserve.

## **Reports**

Committeewoman Swartz reported that New Jersey American Water will be replacing a water main on Parkview Road, and work is scheduled to begin on February 4<sup>th</sup>. She also thanked the Department of Public Works for their preparation for weather events. Committeewoman Swartz also reported that a summer camp fair will be held on March 24<sup>th</sup> in Madison.

Committeewoman Ness reported that the Communications Committee has been reestablished and has met to discuss the Township's website, the Colony Pool website and the Police Department's communications needs. She also reported that the Colony Pool Committee is back

up and running, and has met to begin discussing plans for the summer. The Environmental Commission has also met, and various programs for 2019 are being planned. Committeewoman Ness also reported that the School District has been contacted about recognizing students who have made significant achievements. She further reported that a community action group pertaining to the Rolling Knolls Landfill had to cancel a recent meeting due to the Federal Government shutdown, but a rescheduled meeting is being planned for February.

Deputy Mayor Kelly reported that the Community Garden has plots available, and final reminders are being sent out to last year's plot holders.

Mayor Selen reported that the Mayor's Wellness Committee is reminding residents that February is American Heart Month, and February 1<sup>st</sup> is Wear Red Day to raise awareness of cardiovascular risk factors. Mayor Selen thanked Tom Salvias and Janice Piccolo for serving on the Mayor's Wellness Committee.

Committeewoman Swartz said that Maureen Kelly was shown online as having been reappointed to the Environmental Commission, and objected to surreptitious appointments. Deputy Mayor Kelly said that the name was removed from the resolution adopted at the Reorganization Meeting at his request to avoid a conflict of interest. Attorney Cruz said that the appointments to the Environmental Commission are mayoral appointments, and the appointments are not subject to Township Committee review.

### **PSE&G Tree Removal Project**

Mayor Selen introduced Mr. Everton Scott of PSE&G, who would be addressing work being performed along the high tension transmission lines.

Mr. Scott said that PSE&G is often caught in the middle between resident complaints about reliability and the Federal regulations pertaining to transmission right-of-way maintenance. He introduced Mr. Richard Arnold, who is PSE&G's Transmission Vegetation Manager.

Mr. Arnold said that PSE&G is mandated by Federal and State regulations to annually inspect 100% of their power transmission lines, and to have a vegetation management program that manages vegetation within the engineered width of the right-of-way. He said that he does not know why certain trees were previously allowed to remain, but he suspects that prior managers attempted to have a balance between reliability and avoiding resident complaints about tree removal. Mr. Arnold said that transmission lines are considered a part of national security, and the fines for encroachment into minimum vegetative distance start at \$1 million per event. The federal regulations prohibit vegetation higher than three feet in height within the wire zone. In the border zones, site-specific conditions are considered. Trees are allowed to remain if they will not interfere with minimum vegetation clearances. However if they are likely to interfere with those distances at their maturity, as was in the case in the current maintenance project, they are removed. Mr. Arnold described the notification process for such projects.

Committeeman Ritter asked if the work done recently was a catch-up to work that should have been performed previously. Mr. Arnold said that the Federal regulations were implemented in 2007/2008. Several utility companies were reluctant to maintain to the full width because there was uncertainty between Federal and State regulations. Once the BPU updated their regulations, PSE&G moved forward with the maintenance to the full width. He also noted that the work can only be performed between October 1<sup>st</sup> and March 31<sup>st</sup> due to protections of the Indiana bat species. Mr. Arnold also said that PSE&G is responsible to remove debris from the maintenance project. Committeeman Ritter asked about the time frame for the removal of the debris and stumps. Mr. Arnold said that most of the wood has been removed, and final removal will occur in April. Committeeman Ritter asked about residents planting trees on their own property. Mr. Arnold said that PSE&G has no jurisdiction over what residents plant on their own property. He did note that JCP&L has an easement on one side of the right-of-way, for which they would need to be consulted.

Committeewoman Swartz said that PSE&G should give proper notice for future work. She also said that the black silt fence at the site is unsightly. Mr. Arnold said that the silt fence is there for work being performed by AT&T.

Deputy Mayor Kelly asked if the project will be extended further. Mr. Arnold said that any areas needing work are not near any existing homes. He also commented on the restoration work to be performed.

Committeewoman Swartz asked about stormwater runoff. Mr. Arnold said that any grade changes have been part of an AT&T project. Mr. Scott said that there is also a storm drain on Fairmount Avenue at the site.

Committeewoman Ness asked about future projects. Mr. Arnold said that there are not any additional upcoming tree removal projects, however a day will come when further maintenance is necessary. Committeewoman Ness asked about the gravel access road. Mr. Arnold said that the access road is for the AT&T project. Engineer Ruschke said that the driveway is only intended to be there during AT&T's project. Committeewoman Ness asked if the Township was notified of the AT&T project. Engineer Ruschke said that the project was approved through a Board of Adjustment application. Committeewoman Ness asked about remediation and restoration. Mr. Arnold said that they are not planning to plant any wooded vegetation. Mr. Scott added that residents can plant trees on their own properties.

Mayor Selen said that the AT&T project would have been approved by PSE&G before it went before the Board of Adjustment for approval. Mr. Scott said that there are Federal standards that apply to such projects, however AT&T would still have to present to PSE&G before co-locating. Mayor Selen said that PSE&G is ultimately responsible for what happens on their property.

Engineer Ruschke asked if PSE&G has plans to maintain the stormwater drainage in the right-of-way. He also asked about soil disturbance, and what threshold needs to be met before they apply for a soil erosion sediment control permit.

### **Hearing of Citizens**

Mayor Selen opened the Hearing of Citizens.

1. Stacey Ewald, 54 Nicholson Drive, said that she has not ever seen a clear-cutting operation in the utility right-of-way like the recent PSE&G project. She also said that there has been a mudslide due to stormwater. She also asked if PSE&G has an obligation to replace the trees that were removed.
2. Christina Mott, 22 Nicholson Drive, said that the presentation by PSE&G undersells the size of the trees removed, and she said that the pile of logs from the tree removal was taller than her. Mrs. Mott also raised a concern about the ability of the proposed vegetation to address the stormwater runoff. She also addressed the puddle created on Fairmount Ave during recent rainfall.
3. Rich Bandekow, 46 Stonewyck Drive, said that his property is now getting a lot of stormwater following the PSE&G project. He also said that there were some trees on which all the limbs were pruned but the trunk remains.
4. Axlyn Sommer, 60 Sunset Drive, said that she has lost two potential sales of her home due to the PSE&G project. She also said that she was not provided notice that the project was happening. Mrs. Sommer also said that there have been stormwater issues, and she does not think that the project was done properly. She further speculated that her property has lost value because of the project.
5. Charles Philipp, 52 Sunset Drive, said that he did not receive notice prior to the project. He also gave examples of environmental protections in other types of projects, and addressed stormwater problems that have been created. Mr. Philipp also said that a good-neighbor approach was not taken by PSE&G. He also asked if PSE&G will conduct the same type of work in the Great Swamp.
6. Pat Philipp, 52 Sunset Drive, addressed the stormwater and erosion issues that have developed following the recent PSE&G project. She also said that the project destroyed her neighborhood.

7. Phil Tesoriero, 50 Pembroke Road, said that he would like answers from PSE&G. He also said that trees were butchered, and are not likely to have leaves again. Mr. Tesoriero also said that there are now stormwater issues, and he wants to know what PSE&G is going to do to fix the situation.
8. Pooja Gupta, 665 Fairmount Ave, said that she lives near the PSE&G project, and she addressed the tree removal. She also said that erosion problems have been created. Mrs. Gupta suggested that PSE&G should be asked to plant replacement trees in the Township.
9. Sally Gregory, 656 Fairmount Ave, said that her house is on a triangular lot. Following the PSE&G project, she can now see houses that were not previously visible from her lot. Mrs. Gregory also addressed NJ Senate Bill S2505 which will deem any tree near utility lines as being dangerous, and that utility companies would be able to remove the trees without notice. Mrs. Gregory encouraged people to contact State Senators to ask them to vote against the bill. She also said that PSE&G has been a good neighbor in previous projects, and due to the recent project her property has lost a lot of privacy.
10. Jane Devlin, 420 River Road, asked what the Township Committee will do to seek restitution for residents affected by the PSE&G project.

Committeeman Ritter asked if PSE&G is considering planting trees or other plants that will allow privacy and will assist with stormwater management but would still fall within Federal regulations. Mr. Arnold discussed the types of plantings anticipated, and said that he disagrees with the residents who said that there are now stormwater issues. Mayor Selen said that the Township would like for PSE&G to come back with an action plan.

11. Carol Wipf, 2 Woodlawn Drive, said that her neighborhood is a historic neighborhood. She said that East Park Builders has created problems by redeveloping two lots, and they are beginning redevelopment of a third lot. Mrs. Wipf said that East Park has already committed violations on the new project. She said that there is not any provision for sanctioning a developer who has had repeated violations, and asked that a regulation be enacted that a builder has to be in good standing in order to get permits. Mrs. Wipf also asked that a floor-area ration ordinance be adopted. Mrs. Wipf also asked how many pending violations there are with East Park Builders. Attorney Cruz said that any violations are being heard by the Municipal Court as a matter of litigation.
12. Jeannette Reed, 10 Scenery Hill Drive, said that a new house is being built next door, and there have not been any new drywells installed. She said she is concerned, as the grade used to be flat and there is now a pitch to the neighboring property. Mrs. Reed further noted that the builder has encroached on her property more than once. Engineer Ruschke said that he would meet with Mrs. Reed to hear and address her concerns.
13. Joe Sodano, President of the Green Village Fire Department, commented on Administrator Ciccarone's service over the years.
14. Kathy Abbott, 20 Wynwood Road, said that the paddle tennis courts were destroyed by Hurricane Sandy, and she asked where the insurance money went. Administrator Ciccarone said that there is not a dedicated budget for Colony Pool. He also said that he thinks that the insurance company paid the Township \$2,500 which would not be enough to rebuild the courts, as they had been damaged to the point where they would need to be completely rebuilt. Mrs. Abbott also asked why a deal was made with the Dixiedale developer for the building of affordable housing. Administrator Ciccarone said that the developer for Dixiedale would have an affordable housing set-aside, and they approached the Township with the proposal to exceed the normal set-aside but have the affordable housing at the Skate Park site. He also noted that the developer is the contract purchaser of the Dixiedale Property, and he explained how the affordable housing is administered.
15. Dot Stillinger, Environmental Commission chairwoman, said that Chatham Township is a model of cooperation.

Seeing no further comment, Mayor Selen closed the Hearing of Citizens.

**Preliminary Budget Presentation**

Administrator Ciccarone said that the timing of the introduction of the 2019 Municipal Budget will hinge upon the timing of the Governor’s presentation of the State Budget. He also discussed the Annual Debt Statement, which shows the Township’s debt as of December 31, 2018. A result of operations for 2018 was also presented. Administrator Ciccarone also discussed the budget caps, as well as available cap bank and surplus. The levy cap bank was also presented. Administrator Ciccarone also discussed the school tax rate and the county tax rate. He further presented data on the municipal tax rate for 2007 to the present, and there is a minor reduction proposed for 2019. Administrator Ciccarone also presented pie charts demonstrating the breakdown of municipal tax dollars as well as the distribution of the total tax dollar. He also explained the reserve for uncollected taxes. Administrator Ciccarone further addressed the disclosure of structural imbalances, and provided an overall summary of the 2019 Budget. The proposed 2019 Capital Budget was also addressed, and Administrator Ciccarone gave a summary of the proposed projects and capital purchases. Administrator Ciccarone said that he has had discussions with the Chatham Athletic Foundation about a contribution from them toward improvements to Nash Field, and he expects them to make a \$100,000 contribution. He also suggested that the ice skating area be upgraded to allow for street hockey in other times of the year.

Committeewoman Ness said that she has also spoken with the Chatham Athletic Foundation about a contribution for field improvements, and also regarding funds for moving the Skate Park. Administrator Ciccarone noted that the Township does not presently control any land which would be an appropriate spot for the replacement of the Skate Park.

**Introduction of Ordinances**

Ordinance 2019-1

**ORDINANCE 2019-01**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, REPEALING SUBSECTION 11-1.6 TITLED “CONSTRUCTION BOARD OF APPEALS” OF SECTION 11-1 TITLED “UNIFORM CONSTRUCTION CODE ENFORCING AGENCY” OF CHAPTER XI TITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM**

**BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, as follows:

Section 1. Subsection 11-1.6 titled “Construction Board of Appeals” of Section 11-1 titled “Uniform Construction Code Enforcing Agency” of Chapter XI titled “Building and Housing” of the Revised General Ordinances of the Township of Chatham is hereby repealed.

Section 2. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. This Ordinance shall take effect immediately.

Attorney Cruz said that the Township Code has a section for a Construction Board of Appeals, and he is unaware of the Board having ever been staffed. He also said that Morris County has a Construction Board of Appeals, which makes such a board at the municipal level redundant. He suggested that the Township’s ordinance calling for a board be repealed so as to remove an unnecessary layer of government.

Committeewoman Swartz moved to introduce Ordinance 2019-01. Deputy Mayor Kelly seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing for Ordinance 2019-01 will be scheduled for February 14, 2019.

Ordinance 2019-02

**ORDINANCE 2019-02**  
**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	\$2,500.00	3
Plenary Retail Distribution License	\$2,255.00	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 in 2012 the Township Committee adopted an ordinance allowing for the creation of a third plenary retail consumption license, and at the same time opted to begin raising the renewal fees toward the maximum allowable fee of \$2,500. He noted that from one year to the next, the fee can be raised by 20% or \$500, whichever is less. Mr. LaConte also noted that raising the fee at this time of year also allows the increased fee to be factored into the 2019 Budget.

Committeeman Ritter asked about the third consumption license. Mr. LaConte said that the ordinance allows for the creation of a new license, but it has not yet been created. Administrator Ciccarone said that the ordinance was amended at a time when the current location of Ace Hardware was vacant, and the suggestion had been made to allow for a third consumption license should a restaurant chain want to occupy the space. Attorney Cruz described the process for creating a third consumption license, and said it is unknown if there are any entities interested in purchasing a license. Committeeman Ritter asked if a consumption license can be converted to a distribution license. Mr. LaConte said that it cannot, and he provided the population guidelines that limit how many licenses a municipality can issue.

Committeewoman Ness moved to introduce Ordinance 2019-02. Mayor Selen seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing for Ordinance 2019-02 will be scheduled for February 14, 2019.

**ORDINANCE 2019-03**  
**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. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; 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 2019 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 \$ 404,281 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 2019 budget year, the final appropriations of the Township of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 404,281, and that the CY 2019 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any 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 explained that the State allows municipalities to raise the levy cap by ordinance to 3.5% and bank the additional 1%. The ordinance does not authorize any additional spending.

Deputy Mayor Kelly moved to introduce Ordinance 2019-03. Committeewoman Swartz seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing for Ordinance 2019-03 will be scheduled for February 14, 2019.

**Consent Agenda**

**RESOLUTION 2019-041**  
**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 \$903,308.54 and the prior month's payroll of \$438,173.20 Current Fund, \$4,530.45 Sewer No. 1, \$24,578.34 Sewer No. 2, and \$11,312.81 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of January 2019, in the amount of \$3,141,151.00 be paid.

**RESOLUTION 2019-042**  
**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:

CFO – December  
Tax Collector – October, November, December  
Construction Official – 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 2019-043  
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 3, 2019.

**RESOLUTION 2019-044  
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 3, 2019.

**RESOLUTION 2019-045  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT  
APPLICATION FOR 2018**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987. c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Chatham to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the Township of Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates CHRISTIE TRAGNO, Recycling Coordinator, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION 2019-046  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, CLARIFYING RESOLUTION 2018-217  
APPOINTING ROBERT S. HOFFMANN AS TOWNSHIP ADMINISTRATOR**

**WHEREAS**, on December 20, 2018, the Township Committee adopted Resolution 2018-217 appointing Robert S. Hoffmann as Township Administrator effective February 1, 2019; and

**WHEREAS**, Resolution 2018-217 included the terms and conditions of employment; and

**WHEREAS**, the Township Committee desires to clarify the terms and conditions of employment.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the terms and conditions of the employment of

Robert S. Hoffmann shall be clarified as set forth in the attached letter to Robert S. Hoffmann, dated January 24, 2019, and attached to this Resolution.

**RESOLUTION 2019-047**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN**  
**THE COUNTY OF MORRIS, STATE OF NEW JERSEY,**  
**REFUNDING TAX AND SEWER LIEN**

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

**WHEREAS**, the Tax Collector has recommended the refund of such tax and sewer 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>
48.14	113.19	<b>Lienholder:</b> US Bank Cust. For PC7 Firstrust 50 South 16 <sup>th</sup> St Suite 2050 Philadelphia, PA 19102  Certificate #17-00008 Arkad Residential Holdings Nine LLC  20 Jay Rd.	\$ 3,587.17 – Certificate <u>31,000.00</u> – Premium 34,587.17 – Total

**RESOLUTION 2019-048**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING A CHANGE ORDER NO. 1 TO THE CONTRACT WITH FRED DEVENS**  
**CONSTRUCTION FOR THE CHATHAM HEIGHTS LIFT STATION IMPROVEMENTS**  
**PROJECT**

**WHEREAS**, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, Fred Devens Construction, with address at 403 Stonetown Road, Ringwood, NJ 07456 for the Chatham Heights Lift Station Improvements project in the amount of \$215,000.00;

**WHEREAS**, costs were incurred by the Township associated with liquidated damages and a reduced scope of work was implemented.

**WHEREAS**, the Township wishes to amend the Contract with Fred Devens Construction to accept a credit for liquidated damages and work not performed.

**WHEREAS**, the credit to the Township making up the proposed Change Order No. 1 is \$17,500.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves Change Order No. 1 amending the final Contract amount to \$197,500.00.

**RESOLUTION 2019-049**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AWARDING A CONTRACT FOR ELECTRICAL IMPROVEMENTS TO THE NORTHSIDE**  
**AND SOUTHSIDE PUMP STATIONS TO POST AND KELLY ELECTRIC CO.**

**WHEREAS**, the Township of Chatham wishes to install electrical improvements at the Northside and Southside Sanitary Sewer Pump Stations within the Township of Chatham;

**WHEREAS**, the Township Committee of the Township of Chatham solicited bids for a project to install electrical improvements at the Northside and Southside Sanitary Sewer Pump Stations;

**WHEREAS**, four total bids were received and opened on Thursday, January 10, 2019 at 11:00 A.M.;

**WHEREAS**, Post and Kelly Electric Co. of Hawthorne, New Jersey were the lowest responsible bidder in the amount of \$454,850.00;

**WHEREAS**, the Township Engineer has recommended the award of the project for Electrical Improvements to the Northside and Southside Pump Stations to Post and Kelly Electric Co. in the amount of \$454,850.00;

**BE IT RESOLVED** that the Township of Chatham hereby awards a contract to Post and Kelly Electric Co. in the amount of \$454,850.00.

**RESOLUTION 2019-050**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING APPROPRIATION RESERVE TRANSFERS**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2018 municipal budget, are not sufficient to meet anticipated expenses; and

**WHEREAS**, during the first three months of any fiscal year, N.J.S. 40A: 4-59 authorizes transfers from appropriation reserves for the immediately preceding fiscal year to pay claims authorized or incurred during said preceding year where there is an excess in any appropriation reserves over and above the amount deemed necessary to fulfill its purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris that the following transfers of appropriation reserves are hereby authorized:

Appropriation Reserves	To	From
Legal Services	\$10,000	
Engineering	\$20,000	
Water	\$10,000	
Police S&W		\$40,000
Total	\$40,000	\$40,000

**RESOLUTION 2019-051**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING MEMBERSHIP IN THE NORTH JERSEY WASTEWATER COOPERATIVE**  
**PRICING SYSTEM**

**WHEREAS**, the Township Committee of the Township of Chatham desires to become a member of the North Jersey Wastewater Cooperative Pricing System, NJWCPS, effective January 24, 2019 and, that such membership shall be for the period ending November 24, 2019, and each renewal, thereafter of the system, unless the Township Committee of the Township of Chatham elects to formally withdraw from the system;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris that the Mayor and Clerk are hereby authorized to execute the attached agreement for such membership.

**RESOLUTION 2019-052**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**

**WHEREAS**, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No.</u>
	Push mower	
	Troy Built Rototiller	
2001	Chevy Impala	2GWF55K419264127
2002	Chevy Pickup	1GCHK24U12E170900
2002	Chevy Impala	2G1WF55K029368230
2004	Dodge Intrepid	2B3HB38N08F155981
2004	Chevy Pickup	1GTHK24U34E353024
1994	6x14 Trailer	4JASL1426RG000015
	275 gal Fuel cube	
	5 Snow plows	

2008

2 Plow frames  
Dodge Durango

1D8HB38N08F155981

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Township of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION 2019-054**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
HONORING THOMAS E. CICCARONE FOR HIS YEARS OF FAITHFUL AND DEDICATED  
SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

**WHEREAS, Thomas E. Ciccarone** began service as the Township Administrator on April 10, 2000 and has served continuously in that office since that time; and

**WHEREAS, Tom** also served as the Township’s Certified Municipal Finance Officer until 2010; and

**WHEREAS, Tom** has also served as Deputy Zoning Officer, Affordable Housing Liaison, Joint Insurance Fund Commissioner, Contract Compliance Officer and served the Township as a Class II Planning Board member for the past 15 years; and

**WHEREAS, Tom** guided the Township through recovery from major storms, development of the Joint Recreation Program and the Joint Municipal Court, the purchase of significant open space purchases such as Kirby Farm, Woodland Park, Giralda Farms, Upper Hillside and also the settlement of the Township’s 3<sup>rd</sup> Round Affordable Housing Obligation; and

**WHEREAS, Tom** has overseen the completion of numerous capital improvement projects including the resurfacing of all municipal streets; the purchase of much needed equipment and trucks for our Volunteer Fire Departments and Department of Public Works; the consolidation of the Township’s two sewer treatment plants which resolved long standing issues with DEP permitting; improvements to all of the Township’s recreation facilities which included the complete reconstruction of Shunpike Field and installation of an all weather turf field and lights and many improvements to Colony Pool including the replacement of the main wall, all while consistently providing the Township with annual operating budgets that have kept the local tax rate largely unchanged, and

**WHEREAS, Tom** has provided guidance and good counsel to Mayors and Members of the Township Committee, and the Township staff and has offered opinions, both wanted and unwanted to anyone who wanted or needed one while always bringing a sense of humor to the performance of his duties.

**WHEREAS, Tom Ciccarone** is finally retiring from public service effective February 1, 2019, 36 years after he began.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that we hereby, recognize, and extend our deep appreciation to **Thomas E. Ciccarone** upon the occasion of his retirement and extend to him and his wife Mary Beth, sons Austin and Marshall and daughters Manon and Shaye our best wishes for success and happiness in the future and urge the residents of Chatham Township to join us in saying good riddance and don’t let the door hit you in the butt.

Administrator Ciccarone explained the amendment of the terms of employment for the new Township Administrator.

Committeewoman Swartz asked about the auction of surplus equipment. DPW Director Rich Young indicated that the auction is being conducted using the same process as in previous years.

Committeeman Ritter asked about the application for the recycling tonnage grant. Administrator Ciccarone explained that every year the Recycling Coordinator submits an application to the State for a tonnage grant, and the resolution authorizes that application. He said that the commercial recycling is included in the figures submitted. Committeewoman Ness asked about the amount of the grant. Administrator Ciccarone said it is about \$18,000.

Committeewoman Ness moved to approve the Consent Agenda. Deputy Mayor Kelly seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

**Discussion**

**Bylaws Amendments**

**RESOLUTION 2019-053  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
ADOPTING RULES AND ORDER OF BUSINESS OF THE TOWNSHIP COMMITTEE**

**BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY**, that the following Rules and Order of Business of the Township Committee are hereby adopted:

**RULES AND ORDER OF BUSINESS  
OF THE TOWNSHIP COMMITTEE**

**ARTICLE I.**

**Robert's Rules of Order Newly Revised.**

The deliberations of the Township Committee shall be governed by Robert's Rules of Order Newly Revised.

**ARTICLE II.**

**Selection of Mayor and Deputy Mayor.**

Section 1. The Mayor and Deputy Mayor shall be selected at the Reorganization Meeting.

Section 2. The Mayor and Deputy Mayor shall serve a term expiring on December 31<sup>st</sup>.

Section 3. The Annual Reorganization Meeting shall be chaired by the Township Clerk until such time that the Mayor has been selected by the Township Committee.

**ARTICLE III.**

**Meetings.**

Section 1. The Mayor shall preside at all meetings of the Township Committee. In the absence of the Mayor, the Deputy Mayor shall perform all the duties of the Mayor. The Mayor shall on all occasions preserve order and shall cause the arrest or removal of all persons who interrupt the proceedings of the Township Committee.

Section 2. The Mayor shall decide all questions of order subject to appeal to the Township Committee.

Section 3. Each member of the Township Committee, including the Mayor, shall have the right to make and second motions and nominations and to vote thereon.

Section 4. Regular meetings shall be held as scheduled at the annual organization meeting each year or as rescheduled by resolution adopted at a regular meeting.

Section 5. Special meetings shall be held as provided by Code of the Township of Chatham and applicable State law. Upon the filing of a proper call for a Special meeting, the Township Clerk shall give at least two (2) business days' notice thereof with a copy of the call to all members of the Township Committee by delivery to each member personally or to each member's residence. Copies of the notice shall be promptly released to the news media and posted in a prominent place in the Township Hall.

Section 6. Regular and Special meetings of the Township Committee shall be open to the public. A portion of all meetings shall be set aside for citizens to address the Township Committee on any matter of interest.

Section 7. All items of business on a consent agenda will be delivered to each member of the Township Committee at least 2 days prior to the meeting at which it is to be considered, unless circumstances do not permit advance delivery.

Section 8. No new business will be considered after 11 PM. This rule may be waived by an affirmative vote of a majority of the Township Committee Members then present. In all instances Township Committee meetings will adjourn no later than 12 AM (midnight).

Section 9. All Township Committee meetings will be conducted in accordance with the requirements of the Open Public Meetings Act. (N.J.S.A. 10:4-6 et seq.)

#### **ARTICLE IV.**

##### **Order of Business.**

Section 1. The following shall be the normal order of business of all Regular meetings of the Township Committee:

1. Meeting called to order.
2. Open Public Meetings Act announcement.
3. Salute to flag.
4. Roll Call.
5. Review and acceptance of agenda.
6. Special Recognition/Awards.
7. Reports.
8. Hearing of citizens.
9. Public Hearing and final adoption of ordinances.
10. Introduction of ordinances.
11. Adoption of resolutions.
12. Miscellaneous business.
13. Hearing of Citizens (Time Permitting)
14. Closed session resolution; if applicable.
15. Adjournment.

Section 2. The final agenda shall be adopted as amended, if need be, by vote of the Township Committee at the start of each meeting.

Section 3. Hearing of the citizens will be limited to 30 minutes. Citizens will be restricted to discuss only those topics not subject of a public hearing. Each speaker will be limited to three minutes. These time limits may be extended at the discretion of the Mayor.

Section 4. Sub-Committee chairpersons and liaisons will provide short update reports to the Township Committee during the report section of meetings.

Section 5. The Chief of Police, Public Works Manager, Recreation Director and Township Administrator shall report on a quarterly basis to the Township Committee, during the report section of meetings.

#### **ARTICLE V.**

##### **Committees and Boards.**

Section 1. The Township Committee hereby creates four Standing Committees, each consisting of two (2) members of the Township Committee as follows:

1. Public Safety/Emergency Management
2. Administration/Finance
3. Public Works/Sewer Utilities
4. Communications

Note: The Township Administrator shall supervise all departments, attend all meetings of the Standing Committees and implement the policies adopted by the Township Committee. The Standing Committees are not authorized to exert any administrative control over the departments assigned.

Section 2. Except as otherwise required by State statute and the Code of the Township of Chatham, the Mayor shall appoint members to the various Township boards with the approval of the Township Committee.

Section 3. The Township Committee may appoint advisory committees for special purposes composed of no more than 2 Members of Township Committee and such other Administrative staff members and members of the general public as it deems necessary and appropriate.

Section 4. At the time of creation of an advisory committee, the Township Committee shall establish the duration of the advisory committee. No advisory committee shall take a position on behalf of the Township Committee without the Township Committee's approval.

Section 5 . A member of the Township Committee, appointed by the Committee, shall serve as liaison to the following Boards, Commissions and Community Groups and other Entities:

- Mayor's Wellness Campaign
- Board of Education
- Environmental Commission
- Senior Citizens Center/Senior Club of the Chathams
- Municipal Alliance Committee
- Chamber of Commerce
- Fire and Rescue
- Historical Society
- Public Utilities

Section 6. A member(s) of the Township Committee, appointed by the Committee, shall serve as a member of the following Boards and Committees:

- Joint Recreation Advisory Committee
- Joint Municipal Court Committee (2 members)
- The Board of Health
- The Board of Trustees of the Joint Library of the Chathams (Mayor or Mayor's designee)
- Open Space Committee
- Joint Community Garden

## **ARTICLE VI.**

### **Ordinances.**

Section 1. All proposed ordinances, supplements to and amendments of ordinances shall be presented in writing at a regular meeting, except in those instances when the Township Committee decides to act on an ordinance at a special meeting.

Section 2. Every ordinance duly passed by the Township Committee shall be recorded by the Township Clerk in the Township Ordinance Book, with a proper index. Each ordinance entered in the Ordinance Book shall be compared with the original and shall not be entered unless it is identical in content with such original. The Township Clerk shall enter at the foot of the ordinance the date it was passed and the number and page of the Minute Book containing the minutes of the meeting at which it was passed. Each ordinance entered in the Ordinance Book shall be signed by the Mayor or Deputy Mayor and the Township Clerk.

Section 3. The Township Ordinance Book is hereby established as the original permanent record of the Ordinances of the Township.

Section 4. All ordinances shall be introduced, considered, read, heard, adopted and published in accordance with applicable law and inserted in the correct place in the Code of the Township of Chatham.

## **ARTICLE VII.**

### **Filings.**

Section 1. The Township Committee shall file with the Township Clerk all ordinances, resolutions, reports, petitions, correspondence and other papers considered by or presented to the Township Committee.

## **ARTICLE VIII.**

### **Minutes.**

Section 1. The Township Clerk shall keep minutes of all Township Committee meetings as provided by law.

Section 2. Draft minutes for all meetings shall be delivered to the Township Committee Members no later than the Friday preceding the next regular meeting. Such minutes shall be clearly marked as a draft minutes.

Section 3. Minutes will be filed into the minute book and released to the public only by the Township Clerk and only after approval by the Township Committee.

Section 4. All open sessions of the regular and special meetings may be recorded.

Section 5. The recordings, if made, will be kept by the Township Clerk as required by law.

Section 6. The recordings will be made available to the public at the Township Clerk's office only after the related minutes have been approved by the Township Committee.

Section 7. The approved minutes shall become the official record of the meeting.

## **ARTICLE IX.**

### **Newly Elected Township Committee Members**

Section 1. Upon certification of election results, the Township Clerk shall begin sending newly elected Township Committee members the meeting agendas and supporting documentation.

Section 2. Upon certification of election results, newly elected Township Committee members shall be invited to attend Executive Sessions prior to swearing-in provided that the newly elected Township Committee Member agrees to be bound by confidentiality requirements.

## **ARTICLE X.**

### **Code of Conduct.**

Section 1. No member of the Township Committee, including the Mayor, can conduct business for, or on behalf of, the Township without express, specific approval of the Township Committee. This includes all correspondence, written or otherwise, negotiations, and the like.

Section 2. It is the responsibility of each Committee member to disclose to the Township Attorney any personal or private interest, directly or otherwise, in any question or measure proposed or pending before the Township Committee. The Township Attorney will determine whether a conflict of interest exists.

Section 3. A member of the Township Committee who has a conflict of interest on a particular matter shall neither vote on nor take part in discussion of same.

Section 4. A member of the Township Committee shall not use or disseminate confidential information acquired by or available to them for personal gain or for personal, non-Township business related reasons. Any member who is aware of a breach of confidentiality, is expected to bring forth that information to the appropriate officials in a timely manner.

## **ARTICLE XI.**

### **Township Administrator.**

Section 1. The Township Administrator shall be the Chief Administrative Officer of the Township, shall supervise all Departments, perform the duties of Township Administrator as specified in the Code of the Township and shall be responsible to the Township Committee for the proper and efficient administration of Township affairs. The Township Administrator shall prepare the annual budget

Section 2. The Township Administrator shall make reports to the Township Committee as requested. The municipal budget shall be prepared by the Township Administrator and presented to the Township Committee at a public meeting in January or such time as fixed by the State Division of Local Government Services.

Section 3. It is intended that the Township Committee shall act in all matters as a body. Members of the Township Committee shall not seek individually to influence the official acts of the Township Administrator or any other officer or to interfere in any way with the performance by such officers of their duties.

Attorney Cruz said that there is a proposal to amend the bylaws to clarify that the terms of Mayor and Deputy Mayor end on December 31<sup>st</sup>, and the Township Clerk will chair the reorganization meeting until a new Mayor has been selected. He also proposed that the bylaws indicate that

newly elected Township Committee members will be invited to attend Executive Session and receive agenda packets once the election has been certified. The newly elected Committee Member would also be subject to all the confidentiality rules as those already in office. Attorney Cruz also noted that this has been an existing practice, and the bylaws amendment codifies that practice. He also said that it allows for new members to be brought up to speed for transition purposes.

Committeewoman Swartz asked if it is appropriate to have newly elected members receive confidential information. Attorney Cruz said that the bylaw change allows for new members to be brought up to speed. He also said that there needs to be a clear expectation of confidentiality. Attorney Cruz also noted that new members filling a vacancy immediately take office.

Committeeman Ritter asked why the clarification is being made about the Mayor's term. Attorney Cruz said that the person serving as Mayor may not be reelected to a new term on the Township Committee, and as such would not be present the following year to chair the meeting. He also said that the bylaw update is consistent with existing law.

Committeewoman Ness said that having not been included in the Executive Sessions prior to taking office put her at a disadvantage. Attorney Cruz noted that adopting a formal policy now keeps the decision politically neutral.

Committeewoman Ness moved to adopt Resolution 219-053. Deputy Mayor Kelly seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

### **Hearing of Citizens/Petitions**

Mayor Selen opened the Hearing of Citizens.  
Seeing no public comment, Mayor Selen closed the Hearing of Citizens.

### **Executive Session**

#### **RESOLUTION 2019-P-02 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF 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. Potential Litigation: East Park Builders LLC v. Township of Chatham
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.

Deputy Mayor Kelly moved to adopt Resolution 2019-P-02 to enter Executive Session at 10:50 PM. Committeewoman Ness seconded the motion.

**Roll call:** Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

The Township Committee returned from Executive Session at 11:53 PM.

Mayor Selen moved to adjourn at 11:53 PM. Deputy Mayor Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk