

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
FEBRUARY 2, 2017**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:31 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.

Mayor Ritter led the flag salute.

Roll Call

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

Approval of Agenda

Committeeman Kelly moved to approve the agenda. Deputy Mayor Swartz seconded the motion, which carried unanimously.

Reports

Committeeman Sullivan reported that Chatham Township is chairing the Joint Court Committee in 2017, and the Joint Court is running smoothly.

Deputy Mayor Swartz congratulated the Senior Center on their successful Donor Party. She also noted the availability of the GoGoGrandparent app. Deputy Mayor Swartz also reported that the Department of Public Works crews are repairing lighting in the Senior Center's parking lot. They are also busy with various other projects around the Township. Deputy Mayor Swartz provided an update on NJ American Water's upcoming project on Lafayette Ave. She also noted that Friday is Wear Red Day, designed to raise awareness of women's heart health issues.

Mayor Ritter reported that the Board of Health recently had their reorganization meeting. He also reported that the first home birth in Chatham Township in several decades recently occurred. Chief Hennelly noted that a Township Police Officer assisted with the delivery. Mayor Ritter further reported that a Public Safety Committee meeting was recently held with members of the Safe Routes to School Committee.

Engineer Ruschke reported that the Wickham Woods Drainage Project is going well. The Colony Pool Wall Replacement Project is moving slowly. Engineer Ruschke also noted that there are resolutions on the Consent Agenda for the award of the Electrical Improvements & Fuel Storage Project and the Chatham Heights Lift Station Improvements Project. He also provided an update on the Lafayette Avenue Sidewalk SRTS Grant, and he is waiting for the NJDOT to move the process forward. Deputy Mayor Swartz asked if the Lafayette Avenue Grant's slow progress could impact the additional grant applications that have been submitted by the Township. Administrator Ciccarone said that the DOT had previously represented that they were pleased that the Township is looking to move forward with the Lafayette Avenue Project, as other municipalities received grants for projects that did not take place. Engineer Ruschke added that the delays in the Lafayette Ave project are being caused by the DOT rather than the Township.

Administrator Ciccarone reported that enrollment for the SBS Camp has been declining over the past several years, and the program ran at a \$6000 loss last year. He also noted that the program only served 80 families last year, of which only 40 were Township residents. Administrator Ciccarone recommended that the program be discontinued. Mayor Ritter agreed that it would be fiscally responsible to discontinue the program.

Administrator Ciccarone also proposed that the 2017 Municipal Budget be introduced at the February 16, 2017 Township Committee, and that public hearing and introduction of the budget be scheduled for March 23, 2017. He also noted that this schedule would be contingent upon the Governor’s Office having state aid figures available.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. George Stafford, 16 Kitchell Ave (Wharton), said that New Jersey has not had a published water plan since 1996, and he noted that updated plans are supposed to be published every 5 years. Mr. Stafford said that New Jersey’s population has grown, and the amount of open space has decreased. He noted that groundwater is recharged in open space, and groundwater is a primary source of drinking water. Mr. Stafford asked that the Township Committee consider a resolution in support of clean water supplies.

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

Introduction of Ordinances

**ORDINANCE 2017-03
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, ESTABLISHING POOL MEMBERSHIP FEES FOR
COLONY RECREATION CENTER COMMENCING 2017**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

1. **20-1 POOL MEMBERSHIP FEES AT THE COLONY RECREATION CENTER.**
 - a. The following schedule of Colony Recreation Center Fees for Pool Membership is hereby established:

Chatham Township Resident Rates	
Family – includes parent(s) and children under 23 years old	\$475
Individual – 14 years and older	\$235
Senior Citizen – 62 or older	\$50
Senior Citizen couple – one must be 62 or older	\$80
Babysitter/nanny/parent helper (must accompany family member)	\$145
Adult twilight daily fee (4:30 P.M. until closing) (Township Residents only)	\$5
Non-Resident Rates	
Family – includes parent(s) and children under 23 years old	\$675
Individual – 14 years and older	\$300
Senior Citizen – 62 or older	\$100
Senior Citizen couple – one must be 62 or older	\$150
Babysitter/nanny/parent helper (must accompany family member)	\$175
Daily Guest – accompanied by Member	\$8.50

No refunds will be made after opening day.

- b. *Reduced Fees for Emergency Response Organization Volunteers.* Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department, who are eligible for the Length of Service Award Program (LOSAP), shall be entitled to a fifty (50%) percent reduction in

the fee for the appropriate pool membership category listed above.

2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize special promotional events and offer special discounts to promote Colony Recreation Center membership.

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

Administrator Ciccarone said that the Colony Pool fees are generally increasing by 5%, and he listed the fees. He also said that the single parent/child membership is being eliminated because it created a loophole.

Committeeman Sullivan moved to introduce Ordinance 2017-03. Deputy Mayor Swartz seconded the motion.

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

Public Hearing on Ordinance 2017-03 will be scheduled for February 16, 2017.

Public Hearing/Final Adoption 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 to 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.

Mayor Ritter opened the Public Hearing on Ordinance 2017-01.
Seeing none, Mayor Ritter closed the Public Hearing.

Deputy Mayor Swartz moved to adopt 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, Aye.

Ordinance 2017-02

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.

Mayor Ritter opened the Public Hearing on Ordinance 2017-02.
Seeing none, Mayor Ritter closed the Public Hearing.

Deputy Mayor Swartz moved to adopt 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, Aye.

Consent Agenda

RESOLUTION 2017-046
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 19, 2017.

RESOLUTION 2017-047

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF FRED DEVENS CONSTRUCTION FOR THE 2017 CHATHAM HEIGHTS LIFT STATION IMPROVEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for the Chatham Heights Lift Station Improvements Project; and

WHEREAS, bids were duly received and opened on January 19, 2017 at 11:00 a.m.; and

WHEREAS, the bid of Fred Devens Construction, with the Total Bid amount of \$215,000.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Fred Devens Construction is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Fred Devens Construction in accordance with the bid specifications.

RESOLUTION 2017-048

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT APPLICATION FOR 2016

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 2017-049

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF T.R. WENIGER FOR THE 2017 ELECTRICAL IMPROVEMENTS AND FUEL STORAGE TANK PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for the Electrical Improvements and Fuel Storage Tank Project; and

WHEREAS, bids were duly received and opened on December 15, 2016 at 11:00 a.m.; and

WHEREAS, the bid of T.R. Weniger, with the Total Bid amount of \$99,800.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and

specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of T.R. Weniger is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with T.R. Weniger in accordance with the bid specifications.

RESOLUTION 2017-050
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE BOARD OF HEALTH

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Board of Health Member
Christine Chang

Term Expires
December 31, 2019

RESOLUTION 2017-051
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING ALTERNATE MEMBER TO THE PLANNING BOARD

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Planning Board Alternate Member
Craig Krawiec, Alt. 1

Term Expires
December 31, 2018

Mayor Ritter announced the names of the Board appointees.

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

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

Discussion

Moratorium on Road Opening Permits

Engineer Ruschke said that the Township has an existing permit process, and the process can be improved by adding a moratorium of five years after a road is repaved. If the road has to be opened during the moratorium period, the Township can require a higher standard of restoration. Engineer Ruschke said that he has seen improvements in municipalities that have implemented such measures. Administrator Ciccarone said that the requirements would apply to utility companies as well. He also said that the Township expects accelerated road repaving, as there are projects which were held off due to a high volume of construction in certain neighborhoods. Deputy Mayor Swartz asked if it would be possible to have the permit fee be \$1000 if the road had been repaved within the past year, and have a sliding scale during the moratorium period. Engineer Ruschke said that currently there are performance bonds required for some road opening permits. The current permit fee is \$25, and the only recourse for poor construction is the issuance of a summons. The consensus of the Township Committee is to introduce an ordinance at the next Township Committee meeting.

Open Space Tax

Administrator Ciccarone said that the ordinance adopted by the Township Committee last year to reduce the open space tax had language that the tax would revert to \$0.02 per \$100 assessed value unless the Township Committee took further action. He said that if the Township Committee decides to reduce the tax again this year, they can remove the sunset clause language.

Committeeman Kelly said that the Open Space Committee supports revisiting the tax every year rather than permanently reducing the tax. He also said that the Open Space Committee believes that the tax should be higher than \$0.005 per \$100, as voters had consistently supported having the tax. Committeeman Kelly also said that having money in the open space trust would help the Township receive matching funds grants.

Committeeman Sullivan said that New Jersey is the worst taxed state. He also said that the Township can bond for future acquisitions. Committeeman Sullivan also said that the Township Committee should have to make an argument why a tax is going up, not why it would be lowered.

Deputy Mayor Swartz said that the Township has a miniscule amount of debt. She also noted the availability of grants from both Green Acres and from Morris County for open space acquisitions.

Mayor Ritter said that raising the tax to \$0.01 per \$100 assessed value would impact the average homeowner by \$40 per year. He also said that the Township was able to bring money to the table when the Giralda Farms tract was bought. He also said that he is in favor of having the tax be \$0.01 per \$100 assessed value.

Administrator Ciccarone said that a time may come when there are not any additional properties left to purchase for open space. He also said that an ordinance will be prepared for the next Township Committee meeting for consideration, and the Committee can decide if the tax will be lowered, and by how much.

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

1. Cathy Wilkes, 233 Riveredge Drive, asked about the status of potential development of the Dixiedale Farm property, as well as the potential development of the Skate Park property. She also asked if either location had been considered for open space. Administrator Ciccarone said that the Skate Park land is already owned by the Township. The contractual buyer of the Dixiedale Farm property has submitted a request to the Township to rezone the property, and the matter is still under consideration by the Planning Board. Mrs. Wilkes asked if the Planning Board meetings are open to the public. Administrator Ciccarone said that they meetings are open to the public. The Township Clerk said that the next meeting of the Planning Board is anticipated to be held on February 27th, and meeting agendas are posted on the Township website. Deputy Mayor Swartz noted that a portion of the Dixiedale Farm land is already preserved open space.

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

Executive Session

**RESOLUTION 2017-P-02
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, 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. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15

b. Open Space

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 Swartz moved to pass Resolution 2017-02 to enter Executive Session at 8:49 PM. Committeeman Kelly seconded the motion.

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

The Township Committee returned from Executive Session at 10:34 PM.

Deputy Mayor Swartz moved to adjourn at 10:34 PM. Committeeman Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk