

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JUNE 21, 2018**

Deputy Mayor Swartz 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 June 1, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 1, 2018; and notice was filed with the Township Clerk on June 1, 2018.

Deputy Mayor Swartz led the flag salute.

Roll Call

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

Approval of Agenda

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

Reports

Committeeman Selen offered recognition to all of the Chatham High School and Chatham Middle School graduates. Regarding the Department of Public Works (DPW), Committeeman Selen reported that the biannual street sweeping has commenced. He also noted that the 1026 catch basins in the Township are going to be cleaned out over the next couple months. Committeeman Selen also said that a new Welcome to Chatham sign was installed at the intersection of River Road and Fairmount Ave. The other Welcome to Chatham signs now illuminated by solar-powered lights. Committeeman Selen also reported that Colony Pool is open for the season, and mulch is available from DPW.

Deputy Mayor Swartz reported that a Tri-Town 55+ Rideshare for Seniors Program meeting was recently held, and this is a great way for senior citizens to be able to get around the Chathams. Deputy Mayor Swartz also noted that the Senior Center has a wide array of activities, and many activities are free of charge. She also reported that the Green Village Fire Department hosted a fire-matics competition with neighboring fire departments.

Engineer Ruschke reported that there are several resolutions on the Consent Agenda to award paving projects to Tilcon through the Morris County Co-op. Of the roads to be repaved, Lenape Trail needs special attention due to drainage issues, at to mitigate the problem Engineer Ruschke recommended that curbing be installed. He also said that in order to fit the curbing into the budget, the road can be paved in two sections, with the second section to be paved next year. Some adjustments may also need to be made to Plymouth to mitigate drainage on Lenape Trail.

Committeeman Kelly said that the road leading into the Recycling Center has been called to his attention as needing repaving. He said that Jensen Court also needs work. Administrator Ciccarone said that he is investigating if that work can be done in-house.

Engineer Ruschke further reported that a catch basin on Woodlawn Drive is discharging toward private property on Maple Road, and infrastructure was not extended when Maple Road was built. Engineer Ruschke said he wants for piping from Long Hill Road to be extended to the catch basin to improve the drainage.

Administrator Ciccarone noted that Resolution 2018-118 appoints a Humane Law Enforcement Officer, and State Law requires that each municipality have an officer so designated. Chief

Hennelly had recommended that Officer Anthony LoPorto be selected to be designated as the Humane Law Enforcement Officer. Administrator Ciccarone further reported that Chief Hennelly is retiring effective August 1st.

Deputy Mayor Swartz asked about the Humane Law Enforcement Officer designation. Administrator Ciccarone said that the Township still contracts with Millburn for animal control, and the Humane Law Enforcement Officer will handle matters related to animal cruelty.

Hearing of Citizens

Deputy Mayor Swartz opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, thanked Chief Hennelly for his years of service to Chatham Township. Mr. Miller said that he had sent an email to some Township officials about 366 Green Village Road, which is in between the Green Village Post Office and his mother's property, and is also now owned by Morris County. He said that the County made many promises about the maintenance of the property, and those promises have not been kept. Mr. Miller said that he as a private homeowner is held to a higher property maintenance standard, and he said that his mother should not have to live in fear of who might be wandering the property. Mr. Miller asked what the Township Committee is going to do to hold the County responsible for maintaining the property. He also noted that the County has said that the property might be developed into a parking lot for the Loantaka Brook Reservation.

Deputy Mayor Swartz said that for a time the Township was unsure if the property had been transferred to the County. Now that it is known that the County owns the property, the Township will reach out to County officials regarding the property maintenance. Mr. Miller said that he also reached out to the County, and did not receive a response.

Mr. Miller asked if Chatham Township is a sanctuary city. Administrator Ciccarone said that the Township Committee has not taken a formal stance on the matter. Committeeman Sullivan added that Chatham Township supports all the laws of the United States and the State of New Jersey.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2018-13

ORDINANCE 2018-13

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 7-20 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP, TITLED "STOP INTERSECTIONS", BY INSTALLING "STOP SIGNS" AT THE INTERSECTIONS OF HIGHLAND AVENUE WITH HALL ROAD AND HALL ROAD WITH WYNWOOD ROAD.

WHEREAS, the Township of Chatham Chief of Police recommended the installation of a "STOP" sign on Highland Avenue at its intersection with Hall Road and a "STOP" sign on Hall Road at its intersection with Wynwood Road.

WHEREAS, the Township Committee of the Township of Chatham desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Chief of Police to promote the health, safety and welfare of its residents.

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

Section 1. Section 7-20 of the Revised General Ordinances of the Township of Chatham, titled "Stop Intersections", is hereby amended to designate the following as "STOP" Intersections:

Intersection

Highland Avenue and
Hall Road

STOP Sign on:

Highland Avenue

Hall Road and
Wynwood Road

Hall Road

Section 2. All other provisions of Section 7-20 remain in effect.

Section 3. Severability.

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. Effective Date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Deputy Mayor Swartz opened the public hearing on Ordinance 2018-13.
Seeing no public comment, Deputy Mayor Swartz closed the public hearing.

Committeeman Selen commented that he has not heard from any residents either in support or opposition to this ordinance. He is in favor of the ordinance, but would have preferred that the public had given input. Deputy Mayor Swartz noted that having an ordinance for a stop sign means that there will not be any latitude, and cars will have to come to a complete stop.

Committeeman Kelly offered his disappointment that the residents of the neighborhood have remained silent on this ordinance.

Committeeman Sullivan reiterated that there was a lack of input offered by the public. He also said that the report presented by Chief Hennelly was that there was not an issue with speeding in the neighborhood.

Deputy Mayor Swartz said that it is indicative of the Township Committee that they are working together to create a safer environment for residents.

Committeeman Kelly moved to adopt Ordinance 2018-13. Committeeman Selen seconded the motion.

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

Ordinance 2018-14

ORDINANCE 2018-14

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER II, TITLED "ADMINISTRATION", ARTICLE IV, TITLED "THE MUNICIPAL COURT", BY ADDING SECTION 2-21.8, TITLED "MUNICIPAL PROSECUTOR"

WHEREAS, N.J.S.A. 2B:25-1 and following require that each municipality shall, by ordinance, establish the office of Municipal Prosecutor; and

WHEREAS, the Revised General Ordinances of the Township of Chatham do not establish the office of Township of Chatham Municipal Prosecutor; and

WHEREAS, the Township Committee of the Township of Chatham desires to correct that oversight and establish the office of Municipal Prosecutor.

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

Section 1. Chapter II, titled "Administration", Article IV, titled "The Municipal Court", is hereby amended to add a new Section 2-21.8 titled "Municipal Prosecutor" as follows:

§2-21.8 Municipal Prosecutor.

§2-21.9 Established.

There is hereby established the office of Municipal Prosecutor in the Township pursuant to N.J.S.A. 2B:25-1 and following.

§2-21.10 Qualifications and Supervision.

The Municipal Prosecutor must be an attorney-at-law of the State of New Jersey, in good standing and will be under the supervision of the State of New Jersey Attorney General and/or the Morris County Prosecutor.

§2-21.11 Duties.

The Municipal Prosecutor shall appear in the Municipal Court of Chatham Township, New Jersey on behalf of the State of New Jersey, the County of Morris and/or the Township or any agencies or officers thereof. The Municipal Prosecutor shall perform such duties as are prescribed by law including the prosecutor of complaints for violations of the Revised General Ordinances of the Township and Morris County Ordinances or Resolutions.

§2-21.12 Appointment and Term.

The Municipal Prosecutor shall be annually appointed by the Township Committee for a term expiring on December 31 and until a successor shall have been qualified in accordance with law.

Section 2. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon final adoption and publication according to law.

Administrator Ciccarone said that Ordinances 2018-14, 2018-15 and 2018-16 correct a deficiency in the Township Code by formally establishing the offices of Municipal Prosecutor, Tax Assessor and Zoning Officer respectively.

Deputy Mayor Swartz opened the public hearing on Ordinance 2018-14. Seeing no public comment, Deputy Mayor Swartz closed the public hearing.

Committeeman Selen moved to adopt Ordinance 2018-14. Committeeman Sullivan seconded the motion.

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

Ordinance 2018-15

ORDINANCE 2018-15

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER II, TITLED “ADMINISTRATION”, ARTICLE II, TITLED “MUNICIPAL OFFICIALS AND EMPLOYEES”, BY ADDING SECTION 2-5 TITLED “TAX ASSESSOR”

WHEREAS, N.J.S.A. 40A:9-146 and following require that each municipality shall, by ordinance, establish the office of municipal Tax Assessor; and

WHEREAS, the Revised General Ordinances of the Township of Chatham do not establish the office of Township of Chatham Tax Assessor; and

WHEREAS, the Township Committee of the Township of Chatham desires to correct that oversight and establish the office of Tax Assessor.

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

Section 1. Chapter II, titled “Administration”, Article II, titled “Municipal Officials and Employees” is hereby amended to add a new Section 2.5 titled “Tax Assessor” as follows:

§2-5 Tax Assessor.

§2-5.1 **Office Created, Continued and Confirmed.** The office of Township of Chatham Tax Assessor is hereby created, continued and confirmed by the Township Committee.

§2-5.2 Appointment, Term, Vacancy. The Township Tax Assessor shall hold office for a term of four (4) years from the first day of January next following the appointment. Vacancies other than due to expiration of term shall be filled by appointment of the Township Committee for the unexpired term.

§2-5.3 Tenure. The Township Tax Assessor may obtain tenure as provided by law.

§2-5.4 Qualifications. The Township Tax Assessor shall meet those qualification requirements and hold those certifications required by law.

§2-5.5 Duties. The Township Tax Assessor shall perform all duties and obligations imposed or granted to a Tax Assessor by law, including but not limited to the following:

- a. Having, performing and discharging all the functions, powers and duties prescribed by law for a Tax Assessor.
- b. Making assessments for benefits for local improvements and, for that purpose, having and exercising the powers and duties of an assessor for local improvements as provided by law.
- c. Maintaining adequate assessment records of each separate parcel of real property assessed or exempt.
- d. Maintaining a current tax duplicate of the municipality and causing to be recorded thereon all changes in ownership or character of the real property assessed.
- e. Reporting to the Township Committee as to equalization proceedings and other matters involving the County Tax Board and making recommendations.
- f. Reporting to the Township Committee on all New Jersey Tax Court or County Tax Board litigation in which the Township is a party.

§2-5.6 Deputy Tax Assessors. There shall be as many Deputy Tax Assessors as shall be appointed by the Township Committee to hold office until removed by the Township Committee.

§2-5.7 Compensation. The Township Tax Assessor and Deputy Tax Assessors shall receive such salary or compensation as shall be fixed and determined by the Township Committee in accordance with law.

Section 2. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon final adoption and publication according to law.

Deputy Mayor Swartz opened the public hearing on Ordinance 2018-15.
Seeing no public comment, Deputy Mayor Swartz closed the public hearing.

Committeeman Selen moved to adopt Ordinance 2018-15. Committeeman Sullivan seconded the motion.

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

Ordinance 2018-16

ORDINANCE 2018-16

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER II, TITLED “ADMINISTRATION”, ARTICLE II, TITLED “MUNICIPAL OFFICIALS AND EMPLOYEES”, BY ADDING SECTION 2-6 TITLED “ZONING OFFICER”

WHEREAS, the Revised General Ordinances of the Township of Chatham do not establish the office of Township of Chatham Zoning Officer; and

WHEREAS, the Township Committee of the Township of Chatham desires to correct that oversight and establish the office of Zoning Officer.

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

Section 1. Chapter II, titled “Administration”, Article II, titled “Municipal Officials and Employees” is hereby amended to add a new Section 2.6 titled “Zoning Officer” as follows:

§2-6 Zoning Officer.

§2-6.1 Office Created, Continued and Confirmed. The office of Township of Chatham Zoning Officer is hereby created, continued and confirmed by the Township Committee.

§2-6.2 Appointment and Removal from Office. The Township Zoning Officer shall be appointed by and hold office until removed by the Township Committee.

§2-6.3 Qualifications. The Township Zoning Officer shall meet those qualification requirements and hold those certifications required by law.

§2-6.4 Duties. It shall be the duty of the Zoning Officer to enforce and administer the Land Development Regulations of the Township.

§2-6.5 Deputy Zoning Officers. There shall be as many Deputy Zoning Officers as shall be appointed by the Township Committee to hold office until removed by the Township Committee.

§2-6.6 Compensation. The Township Zoning Officer and Deputy Zoning Officers shall receive such salary or compensation as shall be fixed and determined by the Township Committee in accordance with law.

Section 2. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon final adoption and publication according to law.

Deputy Mayor Swartz opened the public hearing on Ordinance 2018-16.
Seeing no public comment, Deputy Mayor Swartz closed the public hearing.

Committeeman Selen moved to adopt Ordinance 2018-16. Committeeman Sullivan seconded the motion.

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

Introduction of Ordinances

Ordinance 2018-17

ORDINANCE 2018-17

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to undertake the following public improvements in, by and for the Sewer Utility of the Township: (A) upgrading of electrical systems at the Northside and Southside Sanitary Sewer Pump Stations; and (B) removal of underground storage tanks and installation of above-ground storage tanks at the Water Pollution Control Plant. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$550,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds

authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$550,000, and (4) \$27,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$523,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$27,000, appropriated for down payments on capital improvements or for the capital improvement fund in Sewer Utility budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$27,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$523,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable

expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Engineer Ruschke said that Ordinance 2018-17 is a bond ordinance to fund the replacement of an underground storage tank at WPC1, and the insulation of an aboveground storage tank. The bond ordinance also allows for electrical improvements at two major pump stations.

Committeeman Kelly moved to introduce Ordinance 2018-17. Committeeman Sullivan seconded the motion.

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

Public Hearing on Ordinance 2018-17 will be scheduled for July 19, 2018.

Consent Agenda

RESOLUTION 2018-107

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 \$995,887.54 and the prior month's payroll of \$445,341.96 Current Fund, \$44,640.21 Sewer No. 1, \$10,465.96 Sewer No. 2, and \$6,569.65 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of June 2018, in the amount of \$3,036,967.00 be paid.

RESOLUTION 2018-108

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 May 31, 2018.

RESOLUTION 2018-109

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 May 31, 2018.

RESOLUTION 2018-110

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2018

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2018 has been made by Chattam Wine & Liquor LLC, CB Chatham LLC and Fairmount Country Club;

WHEREAS, the applicant has complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2018, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-007).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2018, as follows:

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (License # 1405-33-001-002).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2018, as follows:

To CB Chatham LLC, for premises situated at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-009).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

RESOLUTION 2018-111

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING A CONTRACT TO TILCON NEW YORK FOR THE LONG HILL NEIGHBORHOOD RESURFACING PROJECT

BE IT RESOLVED that the Township Committee of the Township of Chatham hereby recommends to the New Jersey Department of Transportation that the contract for the Long Hill Neighborhood Road Resurfacing Project (2018 NJDOT Municipal Aid) in the Township of Chatham, County of Morris be awarded to Tilcon New York Inc. via 2018 Morris County Cooperative Pricing Council whose bid amounted to \$218,174.50 subject to the approval of the Department.

BE IT FURTHER RESOLVED that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

BE IT FURTHER RESOLVED that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

RESOLUTION 2018-112

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REFUNDING THIRD-PARTY POLICE SERVICES ESCROW ACCOUNT OVERPAYMENT

WHEREAS, the Township, pursuant to Section 2-49 of the Code of the Township of Chatham, has established a policy regarding the employment of off-duty police officers by private employers for matters involving safety and security; and

WHEREAS, Section 2-49.2 authorizes the establishment of an escrow account for the deposit of funds paid by private employers in advance of the rendering of such security and safety services; and

WHEREAS, multiple entities have deposited funds in escrow accounts for such employment; and

WHEREAS, after expenses the accounts have remaining balances to be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Treasurer of the Township of Chatham is hereby authorized to refund from the Third-Party Police Services Escrow Account the following balances:

A. Takton Concrete Corp. 13 Tice Avenue P.O. Box 215 South River, NJ 08882	\$160.00
AIM Tank Services Company 166 Ryerson Avenue Wayne, NJ 07470	\$682.50
American Water/ Valvetek Utility Services 167 John F Kennedy Parkway	\$1,654.99

Short Hills, NJ 07078

Asplundh Tree Expert 14 Ridgedale Avenue Suite 210 Cedar Knolls, NJ 07927	\$150.00
Blackfin 75 Broad Street 15th Floor New York, NY 10004	\$40.00
Board of Education School District of the Chathams 58 Meyersville Road Chatham, NJ 07928	\$74.50
Chatham Main Contractors 143 Main Street Chatham, NJ 07928	\$35.00
Cifelli & Son General Construction, Inc. 4 Coppola Street Nutley, NJ 07110	\$400.00
Corpus Christi Parish Community 234 Southern Boulevard Chatham, NJ 07928	\$36.50
Crossroad Construction 312 Emmet Street Newark, NJ 07114	\$1,387.00
Custom Modulares Concepts, LLC 1 Passaic Avenue Fairfield, NJ 07004	\$30.00
D.M. Airport Developers, Inc. 8 Airport Road Morristown, NJ 07960	\$480.00
Henkels & McCoy 985 Jolly Road Blue Bell, PA 19422-0900	\$1,597.75
John Garcia Construction Co., Inc. 183 Friar Lane Clifton, NJ 07013	\$80.00
Langer-419 Fairmount Ave. 10546 River Run Court Manassas, VA 20112	\$96.00
New Jersey Business Systems, Inc. 7C Marlen Drive Robbinsville, NJ 08691	\$1,657.50
Oak Knoll School of the Holy Child 44 Blackburn Road Summit, NJ 07901	\$833.00
Orchard Holdings, LLC 1913 Alantic Avenue Suite 193 Manasquan, NJ 08736	\$70.00
Petillo Incorporated 167 Flanders-Netcong Road Flanders, NJ 07836	\$310.00

PM Construction Corp. 1310 Central Avenue Hillside, NJ 07205	\$280.00
Schifano Construction Corp. 1 Smalley Avenue Middlesex, NJ 08846	\$699.00
Seton Hall Preparatory School 120 Northfield Avenue West Orange, NJ 07052	\$62.00
ValveTek Utility Services, Inc. 16 Interhaven Suite 2 North Plainfield, NJ 07060	\$80.00

**RESOLUTION 2018-113
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AWARDING ROAD RESURFACING CONTRACT TO TILCON NEW YORK INC. FOR 2018
ROAD RESURFACING – PHASE II.**

WHEREAS, Tilcon New York, Inc of 9 Entin Road, Parsippany, New Jersey has been awarded the 2018 Contract #6: Road Resurfacing for District #1 under the Morris County Cooperative Pricing Council; and

WHEREAS, Chatham Township is a member of the Morris County Cooperative Pricing Council and located in District No. 1; and

WHEREAS, Chatham Township wishes to resurface Lenape Trail, Yarmouth Road, Plymouth Road, Falmouth Road, and portions of Chatham Street, Mountain Avenue and Treadwell Avenue, collectively referred to as “2018 Road Resurfacing – Phase II”.

BE IT RESOLVED that the Township of Chatham hereby awards a contract to Tilcon New York, Inc. in the amount of \$163,000.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

**RESOLUTION 2018-114
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AWARDING ROAD RESURFACING CONTRACT TO TILCON NEW YORK INC. FOR 2018
ROAD RESURFACING – PHASE III.**

WHEREAS, Tilcon New York, Inc of 9 Entin Road, Parsippany, New Jersey has been awarded the 2018 Contract #6: Road Resurfacing for District #1 under the Morris County Cooperative Pricing Council; and

WHEREAS, Chatham Township is a member of the Morris County Cooperative Pricing Council and located in District No. 1; and

WHEREAS, Chatham Township wishes to resurface Evergreen Road, Cypress Road, and portions of Long Hill Lane and Woodlawn Drive, collectively referred to as “2018 Road Resurfacing – Phase III”.

BE IT RESOLVED that the Township of Chatham hereby awards a contract to Tilcon New York, Inc. in the amount of \$120,000.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

**RESOLUTION 2018-115
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>
64.03	2.04	BARRY, Kevin P. 8E VERNON LN Certificate #17-00004 Township of Chatham	\$1,061.16 – Certificate

		Re: 8E Vernon Ln	
79	2	Lienholder: Christiana T.C. C&E1/First PO Box 5021 Philadelphia, PA 19111-5021 Certificate #17-00005 Johnson, David & Nancy 187 Lafayette Ave	\$237.39 – Certificate <u>600.00 – Premium</u> 837.39 – Total

RESOLUTION 2018-116

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2018 BUDGET.**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$20,925.10 from the State of New Jersey Clean Communities Account Fund and wishes to amend its 2018 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$20,925.10 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$20,925.10 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2018-117

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF CHATHAM TO CONTINUE AS A MEMBER OF THE MUNICIPAL PIPELINE GROUP AND EXTEND THE RETAINER AGREEMENT WITH JOHN M. SCAGNELLI, ESQ. AS LEGAL COUNSEL TO THE MUNICIPAL PIPELINE GROUP

WHEREAS, certain pipelines are not public utilities that distribute service to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, will result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, these pipelines do not directly provide the public with necessities, such as electricity, gas, telephone, water or wastewater service; and

WHEREAS, these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, these pipelines are not public utilities that distribute services to end users and are unregulated by the New Jersey Board of Public Utilities; and

WHEREAS, as these pipelines are not regulated by the New Jersey Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, Pilgrim Pipeline has proposed to build two pipelines that will run between Albany, New York and Linden, New Jersey, known as the Pilgrim Oil Pipeline Project (“Project”); and

WHEREAS, the Project will run through the Township of Chatham, and

WHEREAS, the Township of Chatham opposes the Project due to the threat posed by these unregulated pipelines; and

WHEREAS, a number of municipalities in New Jersey opposed to the Project agreed to join together in opposition to the Project (the “Municipal Pipeline Group”); and

WHEREAS, the Township Committee adopted Resolution 2016-096 on April 7, 2016 to join the Municipal Pipeline Group; and

WHEREAS, the Township of Chatham wishes to continue as a member of the Municipal Pipeline Group and to extend the Legal Retainer Agreement with the John M. Scagnelli, Esq. as legal counsel to the Group until December 31, 2018, on the same terms and conditions as set forth in Resolution 2016-096.

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 Township of Chatham is authorized to continue its participation as a member of the Municipal Pipeline Group until December 31, 2018.
2. The Township of Chatham agrees to extend the Legal Retainer Agreement with John M. Scagnelli, Esq. as legal counsel to the Municipal Pipeline Group until December 31, 2018, on the same terms and conditions.
3. The Mayor and Clerk are hereby authorized to take any actions necessary to carry out this Resolution.
4. A copy of this Resolution shall be provided to the Borough's Chief Financial Officer, the Municipal Pipeline Group and John M. Scagnelli, Esq. of Scarinci Hollenbeck, the Group's legal counsel.
5. This Resolution shall take effect immediately.

RESOLUTION 2018-118

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING POLICE OFFICER ANTHONY LoPORTO AS HUMANE LAW ENFORCEMENT OFFICER

WHEREAS, in January 2018, the New Jersey Animal Cruelty Law Enforcement Statute was amended by the State Legislature and signed into law by the Governor, and animal welfare and animal cruelty investigations will fall under the purview of municipalities in the State of New Jersey; and

WHEREAS, each municipality in New Jersey must, under N.J.S.A. 4:22, designate a Humane Law Enforcement Officer (HLEO), who shall be responsible for detecting, investigating, enforcing and signing complaints for violations of animal welfare and animal cruelty laws within the municipality; and

WHEREAS, Anthony LoPorto is a Police Officer employed by Chatham Township, and is qualified for the position of Humane Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris and State of New Jersey that Anthony LoPorto is hereby appointed as the Humane Law Enforcement Officer effective immediately.

RESOLUTION 2018-119

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 – May
Construction Official – May
Police Department – May

RESOLUTION 2018-120

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEALS OF JE VAN HOUTEN AND ED VAN HOUTEN

WHEREAS, JE Van Houten and ED Van Houten have appealed their assessments for the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 in the Tax Court of New Jersey, Docket Nos. 009142-2010, 002075-2011, 008733-2012, 005792-2013, 005167-2014, 001380-2015, 002081-2016, 00394302917 and 001968-2018; and

WHEREAS, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of these appeals;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and municipal counsel shall be authorized to execute a Stipulation of Settlement for the years 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 in the following amounts:

BLOCK: 48.05
LOT: 12
STREET ADDRESS: 19 Thornley Drive
YEAR: 2010

	Original Assessment	County Board Judgment	Requested 2010 Tax Court Judgment
Land:	\$ 746,500.00	Direct Appeal	\$ 746,500.00
Improvements:	<u>\$ 423,200.00</u>		<u>\$ 268,500.00</u>
Total:	\$1,169,700.00		\$1,015,000.00

BLOCK: 48.05
LOT: 12
STREET ADDRESS: 19 Thornley Drive
YEAR: 2011

	Original Assessment	County Board Judgment	Requested 2011 Tax Court Judgment
Land:	\$ 746,500.00	Direct Appeal	Withdrawn
Improvements:	<u>\$ 423,200.00</u>		
Total:	\$1,169,700.00		

BLOCK: 48.05
LOT: 12
STREET ADDRESS: 19 Thornley Drive
YEAR: 2012

	Original Assessment	County Board Judgment	Requested 2012 Tax Court Judgment
Land:	\$ 746,500.00	Direct Appeal	Withdrawn
Improvements:	<u>\$ 423,200.00</u>		
Total:	\$1,169,700.00		

BLOCK: 48.05
LOT: 12
STREET ADDRESS: 19 Thornley Drive
YEARS: 2013, 2014, 2015, 2016, 2017, 2018

	Original Assessment	County Board Judgment	Requested 2013, 2014, 2015, 2016, 2017 & 2018 Court Judgment
Land:	\$ 746,500.00	Direct Appeal	\$ 746,500.00
Improvements:	<u>\$ 423,200.00</u>		<u>\$ 423,200.00</u>
Total:	\$1,169,700.00		\$1, 169,700.00

1. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) 2011 and 2012, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable for said Freeze Act years, subject to the provisions of N.J.S.A. 54:4-35.1 (Material Depreciation of Structure). No Freeze Act years shall be the basis for application of the Freeze Act for any subsequent year(s).

2. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.

3. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to "VAN HOUTEN JE & ED" and received by Skoloff & Wolfe, P.C., 293 Eisenhower Parkway, Livingston, New Jersey 07039 within 60 days from date of entry of judgment. The interest waiver in the preceding paragraph shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to time and manner of making the payment.

4. As an intrinsic part of this settlement, it is agreed that the Assessor shall reduce the initial 2019 assessment from \$1,169,700 to a total of \$1,015,000. In the event that the Assessor complies with this agreement, Taxpayer may file an appeal only for the purpose of obtaining a judgment affirming the assessment to which the municipality will consent. In the event the Assessor fails to make the agreed change in the tax list for 2019, taxpayer may file a Complaint for correction of errors or otherwise to reduce the assessment to the agreed amount and the Township will consent to the entry of a judgment to effectuate the agreement to fix the 2019 assessment as set forth above.

RESOLUTION 2018-121
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,

REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes has been made for the following properties; and **WHEREAS**, the Chief Financial Officer has recommended the refund of such overpayment, **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
65.01	2.14	Kenneth Smith 20-B Kensington Rd Chatham, New Jersey 07928	\$1,250.90 2 nd Quarter 2018 Overpayment of Taxes

Administrator Ciccarone noted that the tax appeal resolution is for a family named Van Houten, not for the street.

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

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

Administrator Ciccarone noted that the approval of minutes was for the last meeting’s minutes. He noted that while many municipal clerks fall months behind in the preparation of governing body minutes, the Township Clerk remains up to date.

Hearing of Citizens/Petitions

Deputy Mayor Swartz opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, asked if the bond ordinance would impact residents who have septic systems rather than sewer service. Administrator Ciccarone said that the bond ordinance will be fully funded by sewer user fees.

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

Committeeman Selen moved to adjourn at 8:18 PM. Committeeman Sullivan seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk