

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

July 20, 2017
July 18, 2017 Draft

Meeting Called to Order

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.

Flag Salute

Roll call

Approval of Agenda

Oaths of Office

1. Patrolman Connor J. Manning
2. Patrolman Christopher J. Schulz

Reports

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2017-136 Payment of Bills
2. Resolution 2017-137 Receipt of Reports
3. Resolution 2017-138 Approving Meeting Minutes
4. Resolution 2017-139 Approving Executive Session Minutes
5. Resolution 2017-140 Refunding Overpayment of Taxes
6. Resolution 2017-141 Refunding Permit Fee
7. Resolution 2017-142 Bond Anticipation Notes
8. Resolution 2017-143 Approving Sewer Connection
9. Resolution 2017-144 Authorizing Change Order for Wickham Woods Phase II
10. Resolution 2017-145 Awarding Paving Contract
11. Resolution 2017-146 Releasing Escrow Balances

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2017-P-11

1. 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
2. Property Acquisition: Open Space

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

RESOLUTION 2017-136

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$1,842,125.47 and the prior month's payroll of \$454,804.23 Current Fund, \$47,678.26 Sewer No. 1, \$9,643.81 Sewer No. 2, and \$9,158.92 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of July 2017, in the amount of \$3,831,793.00 be paid.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2017-137

**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:

Tax Collector – June
CFO – June
Construction Official – June
Raffle Licenses – 1st & 2nd Quarter
Dog Licenses – 2nd Quarter
Vital Statistics – 2nd Quarter
State Training Fees – 2nd Quarter

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-138

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 June 22, 2017.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2017-139

**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 June 22, 2017.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2017-140

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 Tax Collector 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:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
62.01	47	Groves, Bruce & Fuoti, Julie 401 Fairmount Avenue Chatham, NJ 07928	\$2,883.00 2 nd Quarter 2017 Overpayment of Taxes
48.06	17	Rittenhouse, Thomas J & Claire F c/o Mr. Michael A. Vespasiano 331 Main Street Chatham, NJ 07928 Property Address – 13 Peppermill Road	\$965.35 4 th Quarter 2015 State Court Judgment – 2015
48.06	17	Rittenhouse, Thomas J & Claire F c/o Mr. Michael A. Vespasiano 331 Main Street Chatham, NJ 07928 Property Address – 13 Peppermill Road	\$1,408.96 4 th Quarter 2016 State Court Judgment – 2016
64.04	13.10	Godtfredsen, Sven 1 Dempster Street Chatham, NJ 07928 Former owners of: 188 Riveredge Drive Chatham Township, NJ Current Owner: Jinwei Xiong & Juan Zhu	\$1,723.38 2 nd Quarter 2017 Overpayment of Taxes

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-141

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PLUMBING PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for a plumbing permit that was submitted to the Township in error;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Deep Plumbing & Heating Attn: Jill 15A Upper Mountain Ave Rockaway, NJ 07866	17-0378	\$91.00

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-142

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF CHATHAM AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING \$9,181,750 OF NOTES CONSISTING OF \$7,925,750 GENERAL BOND ANTICIPATION NOTES AND \$1,256,000 SEWER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED JULY 13, 2017 AND PAYABLE JULY 11, 2018, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Township of Chatham, in the County of Morris, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue \$9,181,750 of Notes consisting of \$7,925,750 General Bond Anticipation Notes and \$1,256,000 Sewer Utility Bond Anticipation Notes, both issues dated July 13, 2017 and payable July 11, 2018 (collectively, the "Notes"); and

WHEREAS, the Township desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2017.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-143

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 609 FAIRMOUNT AVE

WHEREAS, the Township Engineer has certified that all applications requirements for 609 Fairmount Ave, Block 62.12, Lot 1.02 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated June 12, 2017 the Township Engineer outlined various conditions for the approval of a sewer connection for 609 Fairmount Ave, Block 62.12, Lot 1.02;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 609 Fairmount Ave, Block 62.12, Lot 1.02 subject to the conditions set forth by the Township Engineer.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-144

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH PM CONSTRUCTION FOR WICKHAM WOODS PHASE II ROAD & DRAINAGE IMPROVEMENTS

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, PM Construction, with address at 1310 Central Avenue, Hillside, NJ 07205 for Wickham Woods Phase II Road & Drainage Improvements Project in the amount of \$180,435.00;

WHEREAS, the final as-built cost of the project is \$178,910.80, \$1,524.20 less than the original Contract amount;

WHEREAS, the project was substantially complete on or about July 1, 2017;

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 a Contract reduction of \$1,524.20 to reflect the as-built cost of the Wickham Woods Phase II Road & Drainage Improvements Project.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-145

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING ROAD RESURFACING CONTRACT TO STAVOLA CONSTRUCTION MATERIAL INC. FOR 2017 ROAD IMPROVEMENTS

WHEREAS, Stavola Construction Materials, Inc of 175 Drift Road, Tinton Falls, New Jersey has been awarded the 2017 Contract #6: Road Resurfacing for District #1 under 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 roads located within the Sunset Drive, Van Houton and Dale Drive Neighborhoods. The work will also include resurfacing on Woodland Road.

BE IT RESOLVED that Township of Chatham hereby awards a contract to Stavola Construction Materials, Inc in the amount of \$842,020.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-146

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Rose Valle Condo Association 3 Magnolia Place Chatham, NJ 07928	PLNBD 16-135-19-19.1	7763180020	\$200.00
Sheri Muha, Executrix of the Estate of Concetta Buttkus 328 Third Street Dunellen, NJ 08812	BOH 16-48.21-164	7764128326	\$630.00

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-P-11

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. Property Acquisition: 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.

Adopted: July 20, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk