

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JULY 20, 2017**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:34 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 Maurer, Committeeman Kelly, Deputy Mayor Swartz and Mayor Ritter. Committeeman Sullivan was absent.

Approval of Agenda

Deputy Mayor Swartz moved to approve the Agenda. Committeeman Kelly seconded the motion, and it carried unanimously.

Reports

Deputy Mayor Swartz reported that the Senior Center had a great trip to a Jersey Jackals baseball game and the Yogi Berra Baseball Museum. More trips are being planned by the Senior Center. Deputy Mayor Swartz reported that the Public Works Department has been busy, and she cited their work at Colony Pool. Public Works has also been changing various lights at the Municipal Building to LED lights. A lot of invasive plant removal has been performed, and the equipment used was borrowed under a shared service agreement. Mulch is available at the Tanglewood compost center. Skate Park maintenance has also been performed. Deputy Mayor Swartz also reported that NJ American Water has a contractor that has been working on Lafayette Ave to fix the paving patch jobs until the road is repaved.

Mayor Ritter reported that Colony Pool's membership has surpassed last year's membership levels. He further reported that the National Night Out event will be held on August 1st. On September 23rd there will be the second annual Out of the Darkness suicide prevention walk. Mayor Ritter also reported that this past week he had the privilege to officiate two weddings.

Engineer Ruschke reported that the 2017 paving program is underway. The Sunset Drive neighborhood is complete and the Van Houten neighborhood is underway. Engineer Ruschke also described some scheduling issues with the paving, and said that updated schedules are being posted on the Township website as they become available. He also reported on the need for repaving on Lafayette Ave, and said that the water main work that was performed has to finish settling before repaving work can be performed.

Administrator Ciccarone said that on days when the temperature reaches above 90 degrees, senior citizens can use Colony Pool for free. He also encouraged the families of seniors to buy them memberships at Colony. On July 28th there will be a movie night at Colony Pool, and the event is open to all. Administrator Ciccarone also reported on a bond anticipation note sale, which will mature on July 11, 2018. The amount of the bond anticipation notes is \$9181750.00. Administrator Ciccarone said that four bids were received, and the successful bidder was TD Bank, with a net interest cost of 1.17% based on an interest rate of 1.17% and a premium of \$0.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

Seeing nobody coming forward, Mayor Ritter closed the Hearing of Citizens.

Consent Agenda

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.

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

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.

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.

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:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
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	Godfredsen, 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

**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

**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.

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.

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.

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.

**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

Committeeman Kelly moved to approve the Consent Agenda. Deputy Mayor Swartz seconded the motion.

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

Hearing of Citizens/Petitions

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

Oaths of Office

Chief Hennelly provided some background on Officer Connor Manning. The oath of office for Officer Manning was administered by Mayor Ritter.

Chief Hennelly provided some background on Officer Christopher Schulz. The oath of office for Officer Manning was administered by Mayor Ritter.

Both officers had family present to hold the Bible during their oaths of office. Group photos were taken with each officer, the members of the Police Department present and the Township Committee.

Committeeman Maurer moved to adjourn at 8:02 PM. Deputy Mayor Swartz seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk