

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE AGENDA**

**AUGUST 13, 2015**

August 12, 2015 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 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

**Flag Salute**

**Roll call**

**Approval of Agenda**

**Proclamation** – 70<sup>th</sup> Anniversary of the End of World War II

**Reports:**

1. Vincent Montanino – Municipal Audits
2. Ron Walton – JCP&L Area Enhancements and Major Reliability Project

**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.

**Public Hearing/Final Adoption of Ordinances**

1. Ordinance 2015-13 Amending Uniform Construction Code Fees

**Introduction of Ordinances**

1. Ordinance 2015-14 Amending Sewer Easement
2. Ordinance 2015-15 Consenting to Use of Right-Of-Way by Light Tower Fiber Long Island
3. Ordinance 2015-16 Regulating Drones & Unmanned Aircraft

**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 2015-149 Payment of Bills
2. Resolution 2015-150 Receipt of Reports
3. Resolution 2015-151 Approving Meeting Minutes
4. Resolution 2015-152 Approving Executive Session Minutes
5. Resolution 2015-153 Amending Tax Duplicate
6. Resolution 2015-154 Releasing Escrow Balances
7. Resolution 2015-155 Awarding Contract for Fire Truck for GVFD

**Discussion: possible ordinance or resolution**

1. Various Traffic and Parking Regulations
  - a. Sandy Hill
  - b. Maple St & School Ave
  - c. Robert Drive
  - d. Jay Road

**Hearing of Citizens** (Time Permitting)

**Executive Session\*** - Resolution 2015-P-09

1. Pending Litigation: Rieck v. Chatham Township
2. Pending Litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan

**Adjourn**

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

**ORDINANCE 2015-13**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, AMENDING UNIFORM CONSTRUCTION CODE FEES  
REGARDING PLUMBING SUBCODE FEES AND FIRE SUBCODE FEES**

**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 amended to provide for modifications to Chapter XI, Building and Housing, Section 11-1.3, Fees, to establish and amend certain fees under the Uniform Construction Code for Plumbing Subcode Fees and Fire Subcode Fees, as follows:

1. Subsection 11-1.3.b. is amended to add the following:

- (e) For installation of a chimney lining system, the fee shall be a minimum fee of \$30.00, unless the installation occurs at time of heating appliance replacement for which the fee shall be \$15.00.
- (f) For the installation of a duct work for a new air conditioning system in an existing house, the fee shall be \$65.00

2. Subsection 11-1.3.d.3 is amended as follows:

3. For the installation of each solid fuel burning or fuel fired appliance and gas fireplace in a new residential building, the fee shall be \$65.00 per appliance.

3. Subsection 11-1.3.d.7 is hereby repealed.

4. All other terms and provisions of Chapter XI shall remain unchanged.

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

Introduced: July 16, 2015

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_

Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE NO. 2015-14**

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF A SANITARY SEWER EASEMENT FROM MICHAEL WARREN AND KATIE WARREN FOR BLOCK 20, LOT 20, 23 SUSAN DRIVE**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, wishes to accept a Sanitary Sewer Easement conveyed to the Township by Michael Warren and Katie Warren for Lot 20, Block 20 as shown on the Tax Map of the Township of Chatham and commonly known as 23 Susan Drive; and

**WHEREAS**, the purpose of this conveyance is to realign the existing fifteen (15') foot wide sanitary sewer easement to bracket the existing sewer as necessary; and

**WHEREAS**, Michael Warren and Katie Warren agreed to donate the Sanitary Sewer Easement at no cost to the Township; and

**WHEREAS**, the Township Attorney for the Township of Chatham reviewed the Sanitary Sewer Easement in the form attached and finds it acceptable in all respects.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby authorizes acceptance of the Sanitary Sewer Easement attached hereto and directs its appropriate officials to execute and record such documents as may be necessary.

This Ordinance shall become effective according to law.

Introduced: August 13, 2015

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2015-15**

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXIV, TITLED “TELECOMMUNICATIONS FACILITIES”, ADDING A NEW SECTION 24-3, TITLED “AGREEMENT WITH LIGHT TOWER FIBER LONG ISLAND, LLC”, AND CONSENTING TO LIGHTTOWER’S USE OF THE RIGHTS-OF-WAY**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that Chapter XXIV, titled “Telecommunications Facilities”, of the Revised General Ordinances of the Township of Chatham be amended to add a new Section 24-3, titled “Agreement with Light Tower Fiber Long Island, LLC”, and consenting to Lighttower’s use of the rights-of-way as follows:

Section 1. The title of Section 24-3 shall be “Agreement with Light Tower Fiber Long Island, LLC.”

Section 2. The text of Section 24-3 shall be as follows:

§24-3.1 Preamble.

Light Tower Fiber Long Island, LLC, d/b/a Lighttower Fiber Networks (“Lighttower”) requested permission to install telecommunications cable in the public rights-of-way of the Township of Chatham, New Jersey (“Township”) by attaching such cable to poles owned by public utilities located in the public rights-of-way of the Township.

Lighttower has been approved by the New Jersey Board of Public Utilities (“NJBPU”) to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket Number TM08040212 on June 16, 2008. Pursuant to such authority granted by NJBPU, Lighttower may locate, place, attach, install, operate and maintain telecommunication facilities within the public rights-of-way for purposes of providing telecommunications services (“Facilities”).

The Township desires, pursuant to N.J.S.A. 54:30A-124, to grant permission for such use of the public rights-of-way upon the terms and conditions in this Section 24-2.

§24-3.2 Grant of Consent.

Consent. Subject to obtaining the permission of the owner of any existing utility poles or conduits to be used, the Township hereby authorizes and permits Lighttower, and its successors and assigns, to enter upon the public rights-of-way and to attach, install, operate, maintain, inspect, remove, reattach, reinstall, relocate or replace its Facilities in or on conduits or utility poles or other structures owned by public utility companies located within the public rights-of-way identified on Schedule A and as may be permitted by the public utility company or property owner, as the case may be.

§24-3.3 Limitation. The public rights-of-way shall not include rights-of-way under the jurisdiction of any other municipal, state, or federal government or department or agency, or any property owned by any person or governmental entity other than the Township, except as provided by law or pursuant to an agreement between the Township and any person or governmental entity.

§24-3.4 Term. The term of this Ordinance and the consent granted herein shall be 25 years from the Effective Date of this Ordinance and shall automatically renew for an additional 10 years (each, a “Term”), unless terminated earlier by: (i) an event of default under Section 24-3.9 of this Ordinance; or (ii) Lighttower upon thirty (30) days' prior written notice to the Township of its intention to terminate this Ordinance. Lighttower shall bear the cost of removal of its Facilities upon termination of this Ordinance.

§24-3.5 Permitting. Lighttower provided the Township Engineer, or such other Township officer responsible for permitting use of the public rights-of-way, with a plan showing the route, location and manner of placement of Facilities upon, along, over or under the public rights-of-way attached as Schedule A. Lighttower shall be limited to the rights-of-way route identified on Schedule A and any modification of that route must be approved by the Township Committee. Lighttower shall comply with any and all reasonable requirements of the Township Engineer, or other such Township official as applicable, in connection with the construction or erection of Facilities that are imposed in accordance with the regulations and restrictions aforementioned in this Section 24-3.5 including any requirement for obtaining a road opening permit prior to any excavation work. Lighttower shall bear the cost and expense for the construction or erection of its Facilities, and for the relocation of any of its Facilities as the Township may require from time-to-time.

§24-3.6 Costs. Lighttower's construction or erection, service and maintenance of Facilities pursuant to the permission and consent granted herein shall be subject to regulations and restrictions as may be adopted by the Township from time-to-time on a non-discriminatory basis pertaining to the safety and convenience of persons or vehicles traveling on the public rights-of-way. To the extent provided under the regulations and restrictions aforementioned or as otherwise provided by law, Lighttower shall reimburse the Township for the Township's costs and expenses incurred in connection with the permission and consent granted herein as provided by N.J.S.A. 54:30A-124, and shall obtain applicable permits and pay applicable permit fees. The Township shall not unreasonably deny or delay the issuance of applicable permits to Lighttower.

§24-3.7 Township Facilities. The use by Lighttower of any Township Facilities for the construction or erection and placement of Lighttower's Facilities and subsequent service and maintenance, shall be subject to the amendment to this Ordinance and upon such reasonable terms and conditions as mutually agreed. For purposes of this subsection, "Township Facilities" means Township-owned street light poles, lighting fixtures, electroliers, or other Township-owned structures located within the public rights-of-way.

§24-3.8 Tree Trimming. Lighttower represented to the Township that the installation of the Facilities would not require any tree trimming and this Ordinance is conditioned upon Lighttower not trimming any trees within the Township.

§24-3.9 Indemnity.

A. Third Party Claims. Lighttower agrees to indemnify and defend the Township from all third party losses, claims, damages, judgments, penalties (including reasonable attorney fees) resulting from any bodily injury or property damage to the proportional extent caused by the direct fault or negligence of Lighttower, and its employees, agents and subcontractors. The Township shall provide prompt written notice of and furnish a copy of all written communications relating to any claim of indemnification covered hereunder. Lighttower shall have the right to assume exclusive control of the defense or settlement of, or other efforts to resolve such claim. The Township agrees to cooperate reasonably with Lighttower in connection with any such indemnification claim. The Township may engage counsel of its own choosing, at its own cost and expense.

B. Township Claims. In the event that any service, maintenance, removal or relocation of Lighttower's Facilities causes the public rights-of-way to be damaged, Lighttower at its sole cost and expense, shall promptly repair any such damage and return the public rights-of-way to a safe and satisfactory condition, normal wear and tear excepted. If Lighttower does not repair such damage, then the Township shall have the option, upon fifteen (15) days' prior written notice to Lighttower, to perform or cause to be performed such reasonable and necessary work on behalf of Lighttower and to charge Lighttower for the costs incurred by the Township at the Township's standard rates.

C. Insurance. Lighttower shall obtain and maintain at all times during the existence of this Ordinance commercial general liability insurance and commercial automobile liability insurance protecting Lighttower in an amount not less than one million dollars (\$1,000,000) per occurrence (combined single limit), including bodily injury and property damage, and an excess liability policy (or "umbrella") policy in the amount of five million dollars (\$5,000,000). Further, Lighttower shall obtain and maintain at all times during

this Ordinance statutory workers' compensation and employer's liability insurance in an amount not less than one million dollars (\$1,000,000).

§24-3.10 Default. If Lightower fails to materially perform its obligations under this Ordinance, it shall be in default upon written notice thereof by the Borough. Upon notice of the default, Lightower shall have forty-five (45) days to cure the default before the Township shall have the right to terminate this Ordinance and pursue any and all claims in law or equity in respect of such default.

§24-3.11 Reservation of Rights. Any and all rights expressly granted to Lightower under this Ordinance which shall be exercised at Lightower's sole cost and expense shall be subject to the prior and continuing right of the Township under applicable laws to use any and all parts of the public rights-of-way exclusively or concurrently with any other person or persons and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the public right-of-way. Nothing in this Ordinance shall be deemed to grant, convey, create or vest in Lightower a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership now known or hereinafter devised.

§24-3.12 Governing Law. This Ordinance shall be governed and construed by and in accordance with the laws of the State of New Jersey.

§11-3-13 Assignment. The respective rights and obligations under this Ordinance shall inure to the benefit of and be binding upon the successors and assigns of Lightower. Except for assignment to an affiliate or successor to Lightower's business, as approved by the New Jersey Board of Public Utilities, Lightower shall not assign any interest in this Ordinance to any person or entity without the Township's written consent.

§24-3.14 Waiver. The waiver by the Township of any breach or violation of any provision of this Ordinance shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Ordinance.

§24-3.15 Headings. Section and subsection headings contained in this Ordinance are inserted for convenience of reference only, shall not be deemed to be a part of this Ordinance for any purpose, and shall not in any way define or affect the meaning, construction or scope of any of the provisions hereof.

§24-3.16 Severability. If one or more of the provisions of this Ordinance shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such provision(s) shall be deemed severable from the remaining provisions of this Ordinance and shall not affect the legality, validity, or constitutionality of the remaining portions of this Ordinance. The Township acknowledges that the NJBPU may impose additional terms and conditions under this Ordinance pursuant to its statutory authority. Either the Township or Lightower shall have the right to seek reconsideration or judicial review of the imposition of any such additional terms and conditions.

Section 3. This Ordinance shall take effect upon final adoption and publication according to law.

Introduced: August 13, 2015

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2015-16**

**ORDINANCE AMENDING CHAPTER III, ADDING SECTION 3-12.1 ET SEQ  
REGARDING CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND  
UNMANNED AIRCRAFT FOR THE TOWNSHIP OF CHATHAM**

**WHEREAS**, the Township of Chatham deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in the Township; and

**WHEREAS**, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400’), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared-see-through scopes); and

**WHEREAS**, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

**WHEREAS**, drones and unmanned aircraft can be used to fly above residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

**WHEREAS**, the federal government and the State of New Jersey have not adopted specific and comprehensive restrictions on the use of drone technology, the federal government has only issued general guidelines regarding restrictions on the use of the type of unmanned aircraft designated as “model aircraft,” and the Federal Aviation Administration (“FAA”) is presently scheduled to adopt drone technology regulations in fall 2015, and, therefore, at this time there are no meaningful regulations protecting the public, health, and welfare from drone technology and unmanned aircraft particular to and specific to the needs of Township.

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

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend Chapter III, by adding certain and specific regulations of drone technology and unmanned aircraft in Township to protect the public health, welfare, and safety.

## **Chapter III. DRONE AND UNMANNED AIRCRAFT REGULATIONS**

### **Article II**

#### **Drones and Unmanned Aircraft**

##### **3-12.1. Definitions**

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (“GPS”) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Sensing device” means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WiFi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

##### **3-12.2. Regulations**

- A. Except as otherwise provided in §12.3, drones are prohibited from flying in any airspace below 400 feet within Township.
- B. Except as otherwise provided in §12.3, unmanned aircraft are prohibited from flying in any airspace below 400 feet within Township in:
  - 1. the airspace over any residential or commercial zoned area in Township;
  - 2. the airspace over any roads within Township; and
  - 3. the airspace over any government or public buildings, property, or parks within Township.

##### **3-12.3. Exceptions**

- A. This Chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization or servicing the Township, the State of New Jersey, or the United States of America for lawful purposes and in a lawful manner.
- B. This Chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- C. This Chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner’s consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.
- D. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific FAA regulations, if any.
- E. This Chapter shall not prohibit the use of unmanned aircraft by:

1. any federal, state, county or municipal agency, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner; or
2. an owner of private property in Township in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in Township with that property owner's consent.

**Article III  
General Provisions**

**3-12.4. Violations and penalties.**

A violation of this Chapter shall be punishable as provided in Chapter I, General Provisions, Article 1-5, General Penalty.

**3-12.5. Repealer.**

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

**3-12.6. 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.

**3-12.7. Effective date.**

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

Introduced: August 13, 2015

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2015-149**

**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 \$1,422,050.21 and the prior month's payroll of \$434,042.16 Current Fund, \$45,393.04 Sewer No. 1, \$8,888.72 Sewer No. 2, \$15,902.86 Recreation Trust and \$14,319.66 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of August 2015, in the amount of \$2,890,597.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Third Quarter of 2015, in the amount of \$2,099,738.65 be paid.

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2015-150**

**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:

Police Department – June  
Tax Collector – July

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

DRAFT

**RESOLUTION 2015-151**

**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 July 16, 2015.

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

DRAFT

**RESOLUTION 2015-152**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPROVING EXECUTIVE SESSION MINUTES**

**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 July 16, 2015.

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

DRAFT

**RESOLUTION 2015-153**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TAX DUPLICATE**

**WHEREAS**, Gloria Dei Lutheran Church, a not for profit, maintained a not for profit daycare/preschool in Block 95, Lot 18.01 as shown on the Tax Map of the Township of Chatham, and commonly known as 300 Shunpike Road; and

**WHEREAS**, the Tax Assessor for 2014 created a second taxable line item for the daycare/preschool as Block 95, Lot 18.01 Qual:X; and

**WHEREAS**, the Township of Chatham Tax Assessor recommended that because of mistake the Gloria Dei Lutheran Church was twice entered on the tax duplicate, and that this mistake be corrected pursuant to N.J.S.A. 54:4-54; and

**WHEREAS**, the Township Committee of the Township of Chatham desires to correct this mistake, pursuant to N.J.S.A. 54:4-54, and order that the tax duplicate be corrected for 2014; and

**WHEREAS**, N.J.S.A. 54:4-54 requires that in the event real estate taxes were paid because of the mistake, that the real estate taxes be refunded; and

**WHEREAS**, because no real estate taxes were paid by Gloria Dei Lutheran Church for the daycare/preschool as a result of the mistake and no real estate taxes are due, the Township of Chatham Tax Collector is hereby authorized to waive any real estate taxes due, including interest and penalties.

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

1. That the tax duplicate for 2014 be corrected by the Tax Assessor as described in this Resolution.
2. That no real estate taxes are due from Gloria Dei Lutheran Church for 2014.
3. That certified copies of this Resolution be forwarded to the Township Tax Assessor and Tax Collector.
4. This Resolution shall take effect immediately.

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

**RESOLUTION 2015-154**

**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>
Rosepond LLC 600 S. Livingston Ave Livingston, NJ 07039	PLNBD 13-135-19.45-48	7761693279	\$300.90
Mary McCabe 9 Hampton Road Chatham, NJ 07928	BOA 14-48.10-245	7763179479	\$120.00
Vikas Kapoor 2 Kincaid Lane Chatham, NJ 07928	BOA 14-62-88.01	7763179205	\$681.40
Jack Darby 36 Rose Terr Chatham, NJ 07928	BOA 15-95-10	7763179529	\$79.40
William Petrunik 16 Jay Road Chatham, NJ 07928	ROI 15-48.14-113.17	7763179651	\$277.78
St. Hubert's Giralda 575 Woodland Ave PO Box 159 Madison, NJ 07940	BOA 04-142-4.01	7760011078	\$7418.79 Plus Interest

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2015-155**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD A CONTRACT TO SUTPHEN CORPORATION FOR AN SL75 AERIAL LADDER FIRE TRUCK FOR THE GREEN VILLAGE FIRE DEPARTMENT**

**WHEREAS**, the Township Committee of the Township of Chatham has received a quote under State Contract #86453 for an SL75 AERIAL LADDER FIRE TRUCK for the Green Village Fire Department and,

**WHEREAS**, "Certification of Availability of Funds" is annexed hereto:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on this day, August 13, 2015 that:

- 1) Contract for an SL75 AERIAL LADDER FIRE TRUCK for the Green Village Fire Department be and is hereby awarded to:

**Sutphen Corporation  
7000 Cols-Marysville Road  
PO Box 158  
Amlin, Ohio 43002-0158**

On their State Contract price of \$962,500.97.

- 2) The exact title of the appropriation to be charged is: Ordinance 2015-12.
- 3) This Resolution shall take effect immediately.

Adopted: August 13, 2015

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**CERTIFICATION OF THE AVAILABILITY OF FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Debra A. King, Chief Financial Officer of the Township of Chatham, have ascertained that there are available sufficient, uncommitted appropriations pursuant to Ordinance 2015-12 to award a contract to Sutphen Corporation in the amount of \$962,500.97.

\_\_\_\_\_  
Debra A. King  
Chief Financial Officer

**RESOLUTION 2015-P-09**

**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. Pending Litigation: Rieck v. Chatham Township
  - b. Pending Litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan
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: August 13, 2015

Attest:

\_\_\_\_\_  
Gregory LaConte, Clerk

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

By \_\_\_\_\_  
Kevin M. Sullivan, Mayor