

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
AUGUST 17, 2017**

Deputy Mayor Swartz called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:36 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.

Deputy Mayor Swartz led the flag salute.

**Roll Call**

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

**Statement Regarding Charlottesville**

Deputy Mayor Swartz made a statement regarding the recent confrontation in Charlottesville, VA, condemning bigotry and white supremacists.

Committeeman Kelly also made a statement against the bigotry seen in Charlottesville.

Committeeman Sullivan said that what happened was an act of domestic terror, and he asked for prayers and remembrance of Heather Heyer, who was murdered at the demonstration, and two VA State Troopers, Lt. H. Jay Cullen and Trooper Burke Bates, who died in a helicopter crash at the demonstration.

**Approval of Agenda**

Committeeman Kelly moved to approve the Agenda. Committeeman Sullivan seconded the motion, and it carried unanimously.

**Committee Member Resignation**

The Township Clerk read into the record a letter received from Committeeman Maurer regarding his resignation effective August 28, 2017. The Clerk also read a letter from Committeeman Maurer addressed to Township residents regarding his resignation.

Deputy Mayor Swartz said that Attorney Cruz will provide information on the process to fill the vacancy.

Committeeman Sullivan said that it was misreported that Committeeman Maurer had moved, and he is still a Township resident until Labor Day. He also said that Committeeman Maurer has continued to fulfill all of his responsibilities as a Committee-member.

Attorney Cruz outlined the process by which the vacancy created by Committeeman Maurer's resignation will be filled.

**Reports**

Committeeman Kelly reported that the Department of Public Works have been installing LED lights in the parking lot at the Municipal Building. Work is progressing for the installation of a compactor at the Tanglewood Recycling Center. DPW have been active maintaining Colony Pool, repainting lines at Shunpike Field for fall sports, and will soon be testing salt spreaders and plows. Committeeman Kelly also noted that there is a resolution on the Consent Agenda to approve an auction of some surplus DPW equipment.

Deputy Mayor Swartz noted that there will be a change in the traffic pattern at the Recycling Center once the compactor is in use. She also reported that Deputy Chief Mike Glogolich of the Chatham Township Fire Department is departing for a career in the US Customs & Border Patrol, and she thanked him for his service to the Township. Committeeman Sullivan noted that Deputy Chief Glogolich is the youngest man to serve in that role in many years.

Engineer Ruschke reported that the 2017 road resurfacing program is substantially complete, and the paving has gone very well. He commented on the comparative costs of using the Morris County Co-op to do the work, and said that the work went very well. The Township has also received authorization from the NJDOT to pave Robert Street. Engineer Ruschke also reported that NJ American Water has agreed to pay to fully repave Lafayette Avenue. The work will be done through the Morris County Co-op, and will be performed next week. Engineer Ruschke further reported that work has begun on an electrical improvements project at the Municipal Building. There is also a resolution on the Consent Agenda for a change order to close out a project at the sewer plant.

Deputy Mayor Swartz commended Administrator Ciccarone and Engineer Ruschke on the work they did to get NJ American Water to pay to repave Lafayette Avenue, and that the work will be performed prior to the beginning of the school year.

Administrator Ciccarone complimented Engineer Ruschke on his creativity with the recent sewer project in which the two treatment plants were combined into one plant. He noted that the project came in approximately \$1 million less than what was originally estimated.

Rob Walton from JCP&L said that LED street lighting is available. He also reported that JCP&L keeps a database of critical care and well-water customers so that priority can be given during outage restoration. This database is shared with local OEM coordinators. JCP&L also has a promotion with Nissan for a discount on the Nissan Leaf.

### **Hearing of Citizens**

Deputy Mayor Swartz opened the Hearing of Citizens.

1. Bob Higgins, 5 Jay Road, thanked the Township Committee for their comments regarding Charlottesville. He also asked about the filling of Committeeman Maurer's vacancy, and if unaffiliated voters can be nominated for the seat. Administrator Ciccarone said that the two political parties can nominate candidates, and independents can also run. Mr. LaConte said that information for running as an independent can be obtained from the Morris County Clerk's Office.
2. Kathy Abbott, 40 Wynwood Road, suggested that the Township Committee's bylaws be amended to have a vacancy created due to a specified number of absences. Attorney Cruz explained that vacancies are governed by the Municipal Vacancy Law, passed by the NJ State Legislature, and statutes supersede any municipal regulation.
3. Christina Mott, 22 Nicholson Drive, asked about the Municipal Vacancy Law, as well as the standards for residency. Administrator Ciccarone said that the concept of residency is ambiguous, and deals largely with intent. He also said that the Municipal Vacancy Law does not address definitions of residency. Attorney Cruz read aloud the Municipal Vacancy Law, which enumerates the conditions under which a vacancy is created.
4. Genevieve Castelino-Merchant, 104 Ormont Road, asked what the Township Committee's responsibility is to keep the public aware of a vacancy. Committeeman Sullivan reiterated that Committeeman Maurer publicly announced months ago that he would be resigning at such time that he moves from Chatham Township, and has been transparent on the matter. Deputy Mayor Swartz noted that Township Committee meetings are televised, recordings are posted online, and meeting minutes are also posted on the Township website. She also noted that communication needs to be a two-way street, and the Township does what it can to make information available. Committeeman Kelly noted that the resignation letter is also posted on the Township website.

5. John Strelkoff, 544 Green Village Road, asked for clarification if the Township Committee has to take any steps for the filling of the vacancy to be on the ballot. Attorney Cruz said that all necessary steps have been taken.

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

**Consent Agenda**

**RESOLUTION 2017-147**

**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 \$1,092,266.36 and the prior month's payroll of \$443,113.91 Current Fund, \$1,900.00 Recreation Trust \$44,214.52 Sewer No. 1, \$9,200.46 Sewer No. 2, and \$20,795.27 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of August 2017, in the amount of \$3,036,968.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Third Quarter of 2017, in the amount of \$2,192,836.62 be paid.

**RESOLUTION 2017-148**

**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:

- Construction Official – July
- Tax Collector – July
- Police Department – July
- CFO – July

**RESOLUTION 2017-149**

**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 20, 2017.

**RESOLUTION 2017-150**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING COLONY POOL LUAU FEE**

**WHEREAS**, a registration fee was paid for a Colony Pool Luau; and

**WHEREAS**, a refund of the registration fee has been requested;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made:

<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
Nicole Lois 14 Gates Avenue Chatham, NJ 07928	\$60.00
Ben Moore 27 Woodlawn Dr Chatham, NJ 07928	\$60.00
Gayle Simonetti 88 Hampton Road Chatham, NJ 07928	\$60.00
Jose Alberto Lopez Garcia 512 Sun Valley Way Florham Park, NJ 07932	\$180.00

<b>Lisa Lyng</b> 719 River Road Chatham, NJ 07928	\$60.00
<b>Beth Kupchinsky</b> 47 School Avenue Chatham, NJ 07928	\$60.00
<b>Paul Koury</b> 558 Fairmount Ave Chatham, NJ 07928	\$60.00
<b>Diane Fortuna</b> 119 Ormont Road Chatham, NJ 07928	\$60.00
<b>Leonard Jacoban</b> 56 Stonewyck Drive Chatham, NJ 07928	\$60.00
<b>Martin Frey</b> 22 Dale Drive Chatham, NJ 07928	\$60.00
<b>Michelle Higgins</b> 5 Jay road Chatham, NJ 07928	\$60.00
<b>Carole Bhalla</b> 14 Pembroke Road Chatham, NJ 07928	\$60.00
<b>Susan Ross</b> 14 Hall Road Chatham, NJ 07928	\$35.00
<b>Karen Swartz</b> 2 Yarmouth Road Chatham, NJ 07928	\$35.00
<b>Elissa Guerra Arent</b> 148 Center Ave Chatham, NJ 07928	\$60.00
<b>Susan Zwick</b> 417 River Road Chatham, NJ 07928	\$60.00
<b>Colin Murray</b> 28 Oliver St Chatham, NJ 07928	\$60.00

**RESOLUTION 2017-151  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING COLONY POOL  
MEMBERSHIP FEE**

**WHEREAS**, a registration fee was paid for a Colony Pool Membership; and  
**WHEREAS**, a refund of the registration fee has been requested;  
**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made:

<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
Patrick Thistlethwaite 150 Washington Ave Chatham, NJ 07928	\$850.00

**RESOLUTION 2017-152  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPOINTING ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT**

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

Zoning Board of Adjustment

Term Expires

Paige Labadie, Alt. 1

December 31, 2018

**RESOLUTION 2017-153  
RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN ESCROW ACCOUNT OF  
\$2,500.00 FOR THE PURPOSE OF PAYING THE FEES OF THE SPECIAL REGIONAL  
MASTER APPOINTED BY THE HONORABLE MARYANN L. NERGAARD, J.S.C.**

**WHEREAS**, on July 7, 2015, the Township of Chatham filed a Complaint for Declaratory Judgment captioned 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; and

**WHEREAS**, on June 20, 2017, the Honorable Maryann L. Nergaard, J.S.C., sua sponte entered an Order Appointing Richard B. Reading as Special Regional Master (“Special Regional Master Order”) to assist Judge Nergaard “in the preparation of an appropriate methodology to employ for projecting the Mount Laurel housing needs in Morris County and allocating that need among the Morris Municipalities...”; and

**WHEREAS**, that Order requires that on or before August 1, 2017 a total of \$5,000.00 be deposited into an Escrow Account, “such sum to be comprised of each Morris Municipality’s share of \$2,500.00, and \$2,500.00 to be paid by the Intervenors for each respective Municipality”; and

**WHEREAS**, Sun Homes, LLC, and Sterling Properties, LLC, have intervened as one party; and

**WHEREAS**, the Special Regional Master Order, a copy of which is attached, sets forth the fees and the procedure for payment of the Special Regional Master, and requires the establishment of an Escrow Account by the Morris Municipalities for the payment of same; and

**WHEREAS**, an Escrow Agent has not been appointed by Judge Nergaard, and the Township adopts this Resolution in anticipation of Judge Nergaard appointing an Escrow Agent.

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

1. The Township of Chatham is hereby authorized to pay into the Escrow Account the sum of \$2,500.00 for the purpose of paying the fees of the Special Regional Master appointed by Judge Nergaard.
2. The fees to be paid to the Special Regional Master shall be in accordance with the Schedule of Fees attached to the Special Regional Master Order as Exhibit A, and shall be paid pursuant to the procedures set forth in the Special Regional Master Order.
3. This Resolution shall take effect immediately.

**RESOLUTION 2017-154  
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>Block &amp; Lot</u>	<u>Account #</u>	<u>Amount</u>
ROSEPOND LLC			
c/o Sterling Properties	Block 135,	7760011091	\$2,808.00 – Cash
50 East Mount Pleasant Ave	Lots 19 &	Bond #0396797	\$25,272.00 –
Livingston, NJ 07039	19.01		Bond

T-Mobile Northeast LLC  
 Attn: Richard Mohr  
 4 Sylvan Way  
 Parsippany, NJ 07054

Block 48.21,  
 Lot 179

7760011293

\$24.83

**RESOLUTION 2017-156  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
 AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**

**WHEREAS**, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No.</u>
	General Electric Shop Compressor	14BV1
	Centaur HSV Carbon Drum	G415-M1
	Snapper Mower 5HP	W1-185V
	Snapper Mower 5HP	131922
	A.O. Smith Hot Water Heater	1318A023260
	Homelite Blower	80232
	Sutorbilt Gardner Denver Side Car Aerator	S282872
2002	GMC Sonoma 4x4 Pickup Truck	1GTDT19W628248862
2009	Dodge Charger	2B3KA43T29H607773
	Billy Goat Vacuum	
	Trailer Vacuum	
	Old Generator PHQ	
	Backpack Blower	

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION 2017-157  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
 AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH PM CONSTRUCTION  
 CORP FOR THE CHATHAM GLEN PUMP STATION & FORCE MAINS PROJECT**

**WHEREAS**, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, PM Construction Corp., with address at 1310 Central Ave, Hillside, NJ 07205 for the Chatham Glen Pump Station & Force Mains project in the amount of \$2,344,008.80;

**WHEREAS**, previous change orders have been approved to increase the contract amount to \$2,450,112.44, \$106,103.64 more than the original Contract amount;

**WHEREAS**, the final as-built cost of the project is \$2,486,790.96, \$36,678.52 more than the previously amended amount;

**WHEREAS**, the project was substantially complete on or about July 17, 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 increase of \$36,678.52 to reflect the as-built cost of the Chatham Glen Pump Station & Force Mains project,

Deputy Mayor Swartz noted that she will abstain on Resolution 2017-150.

Committeeman Sullivan moved to pull Resolution 2017-155 from the Consent Agenda, and that the Shunpike Corridor Improvements be referred to the Planning Board for review. Committeeman Kelly seconded the motion, and it carried unanimously.

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

**Roll call:** Committeeman Maurer, Absent; Committeeman Kelly, Aye; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye (abstain on 2017-150); Mayor Ritter, Absent.

### **Discussion**

#### **Below-Grade Garages**

Committeeman Sullivan suggested that the Planning Board be tasked to review below-grade garages. Engineer Ruschke said that many homes are being designed with garages below grade, requiring sump pumps to deal with the flooding which results. He noted that he warns the applicants that it is a poor design choice.

### **Hearing of Citizens/Petitions**

Deputy Mayor Swartz opened the Hearing of Citizens.

1. Donna Lyons, 21 Woodmont Drive, said that she read online that the Republican Party was seeking replacements for Committeeman Maurer and that he had moved. She said that she emailed Mayor Ritter to see if the matter would be on this evening's agenda, and she read aloud his reply. Mrs. Lyons alleged that Mayor Ritter's reply was not transparent. Deputy Mayor Swartz said that fact checking should have been done before anyone claimed that Committeeman Maurer had moved. Administrator Ciccarone said that many residents sent emails demanding that the seat be declared vacant by the Township Committee. He further said that Committeeman Maurer is entitled to due process. Mrs. Lyons said that a deeper explanation than the form email sent by Mayor Ritter would have been appreciated. Administrator Ciccarone said that at the time Mrs. Lyons had emailed Mayor Ritter, there were still many unknowns regarding the pending vacancy. Committeeman Sullivan said that the only information available to the Township Committee was that Committeeman Maurer would eventually be resigning and moving, and that the house was just recently under contract. Mr. LaConte noted that the resignation letter was not received until 3:51 PM on August 16<sup>th</sup>.

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

### **Executive Session**

**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

c. Personnel: Public Works

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.

Committeeman Kelly moved to pass Resolution 2017-P-11 to enter Executive Session at 8:38 PM. Committeeman Sullivan seconded the motion.

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

The Township Committee returned to public session at 10:10 PM.

**RESOLUTION 2017-158  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPOINTING NEW EMPLOYEES TO THE PUBLIC WORKS  
DEPARTMENT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Shawn Hillas is hereby appointed to the Department of Public Works effective September 1, 2017 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #866 at a starting salary in accordance with Serviceman Grade III Step 1.

Committeeman Kelly moved to pass Resolution 2017-158. Committeeman Sullivan seconded the motion.

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

Committeeman Sullivan moved to adjourn at 10:11 PM. Committeeman Kelly seconded the motion, which carried unanimously.

---

Gregory J. LaConte  
Municipal Clerk