

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
SEPTEMBER 13, 2018**

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 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

Mayor Ritter led the flag salute.

**Roll Call**

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

**Approval of Agenda**

Deputy Mayor Swartz requested that Resolution 2018-161 be pulled from the Consent Agenda for consideration at a future meeting.

Deputy Mayor Swartz moved to approve the agenda as amended. Committeeman Kelly seconded the motion, which carried unanimously.

**Proclamation – Suicide Prevention Month**

Mayor Ritter addressed Suicide Prevention Month. He also read the attached proclamation. Mayor Ritter also recognized the efforts of Detective Anthony LoPorto as a member of the Out of the Darkness Walk Committee.

Deputy Mayor Swartz said that the community owes Mayor Ritter a great deal of thanks for the attention he has brought to this issue.

**Resolution & Oath of Office**

Mayor Ritter commented on the honor of swearing in a new Chief of Police. He also provided highlights on the career of Lt. Thomas Miller in the Chatham Township Police Department. Mayor Ritter also noted the presence of Lt. Miller's family, former Chief Hennelly, the chiefs of several neighboring police departments and the County Prosecutor.

Deputy Mayor Swartz offered her thanks to Lt. Miller for his service, and said that she is pleased that he is being promoted to Chief.

Committeeman Sullivan said that Lt. Miller once had to run the EOC from his car while stuck in traffic, and said that he has both the respect of the Township Committee and the respect of the Police Department. Committeeman Sullivan thanked Lt. Miller for all that he does for the Township.

Committeeman Kelly noted Lt. Miller's leadership and courtesy of service.

Committeeman Selen said that the Township is lucky to have Lt. Miller in the Police Department. He also offered former Chief Hennelly for everything he has done for the Township.

Administrator Ciccarone addressed the support that Lt. Miller receives from his colleagues in the Police Department.

**RESOLUTION 2018-153**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPOINTING THOMAS MILLER TO THE POSITION OF CHIEF OF POLICE IN THE**  
**CHATHAM TOWNSHIP POLICE DEPARTMENT**

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham that Thomas Miller is hereby appointed to the position of Chief of Police in the Chatham Township Police Department, effective September 16, 2018.

The terms and conditions of this position shall be as set forth in the memorandum on file in the Office of the Clerk.

Deputy Mayor Swartz moved to adopt Resolution 2018-153. Committeeman Selen seconded the motion.

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

The oath of office for Chief Miller was administered by Mayor Ritter.

Chief Miller said that it is humbling to have been appointed as the 12<sup>th</sup> Chief of Police for Chatham Township. He thanked those who came out for the oath of office. Chief Miller also thanked the Township Committee and the Township Administrator for giving him the opportunity to lead the Chatham Township Police Department. He further thanked his family for their support.

**Reports**

Committeeman Selen said that those who are facing Hurricane Florence should remain in Township residents' hearts and minds. He also noted the remembrance of 9/11. Committeeman Selen also offered good luck to students in Chatham schools upon the start of the new school year. Committee Selen also reported on the upcoming flu vaccination clinics in Madison and Chatham Township. Mr. LaConte noted that there is not any age restriction for the flu clinics. Committeeman Selen also reported that the Department of Public Works has continued with crosswalk painting, and Colony Pool is being winterized. Potholes are being repaired, and catch basin maintenance is being performed. DPW is also continuing the effort for recreation field maintenance.

Committeeman Sullivan reported that on September 23<sup>rd</sup>, the Chatham Township Historical Society will be hosting a screening of Saving The Great Swamp: The Battle to Defeat the Jetport. He also noted that September 13<sup>th</sup> and 14<sup>th</sup> are the anniversary of the Battle of Fort McHenry, which inspired the writing of the Star Spangled Banner. Committeeman Sullivan noted that the Wells sisters have a replica of the 15-stripe flag flown at Fort McHenry at the time of the battle.

Deputy Mayor Swartz thanked the spouses of the Township Committee members for supporting their service, and noted that it is her wedding anniversary. She also commented on 9/11 remembrance. Deputy Mayor Swartz also reported that on October 20<sup>th</sup> the Senior Center will be hosting their semi-annual paper shred event at the Lafayette Avenue School from 9:00 AM to 12:00 PM.

Mayor Ritter reported that a survey is being conducted to gauge public interest in shuttle service to the Chatham Train Station and the Summit Train Station. He also said that with Hurricane Florence approaching the Carolinas, it is a good time for Chatham residents to review their own emergency preparedness. Mayor Ritter also reported that DPW placed lights on the Welcome to Chatham signs around town. Regarding the intersection of Fairmount Ave and River Road, Mayor Ritter reported that the Police Department have done traffic studies to see if there are any problems that would necessitate any traffic lights or additional stop signs.

Engineer Ruschke reported that the paving contractor has mobilized, and milling work has started. Paving may begin as soon as Wednesday, and updates will be posted on the Township website. Deputy Mayor Swartz asked what streets are currently being paved. Engineer Ruschke cited the areas being paved, and noted that some areas are being postponed so that drainage improvements can be made. Engineer Ruschke further reported that an announcement was

received that NJ DOT Local Municipal Aid Grants are available. He noted that the Township recently applied for two grants under the Federal Highway Program.

**Hearing of Citizens**

Mayor Ritter opened the Hearing of Citizens.

1. Maureen Kelly, 67 Mountain Ave, commented that the ACT Now system was recently abused with an overabundance of notifications about a special deal at Colony Pool. Mrs. Kelly said that the ACT Now system should be used for actual emergencies. Mayor Ritter said that the email website updates are a separate system. Mrs. Kelly said that it was still excessive that the same notice went out so many times.

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

**Consent Agenda**

**RESOLUTION 2018-154**

**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 \$613,396.20 and the prior month's payroll of \$459,147.84 Current Fund, \$44,346.81 Sewer No. 1, \$10,438.22 Sewer No. 2, and \$16,016.43 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of September 2018, in the amount of \$3,141,155.00 be paid.

**RESOLUTION 2018-155**

**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 August 16, 2018 and August 28, 2018.

**RESOLUTION 2018-156**

**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 August 28, 2018.

**RESOLUTION 2018-157**

**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:

<b>NAME</b>	<b>Project</b>	<b>A/C NUMBER</b>	<b>AMOUNT</b>
Anthony Marone 12 Spring Street Chatham, NJ 07928	BOA 17-106-11 12 Spring/326 Lafayette	7764128516	\$47.50

Michael Meaney 36 Dellwood Chatham, NJ 07928	BOA 17-78-19.04	7764128623	\$119.10
Kirill Gurevich 596 River Road Chatham, NJ 07928	BOH 18-62-55	7764128946	\$863.60
Kirill Gurevich 596 River Road Chatham, NJ 07928	BOH 18-62-55	7764128714	\$33,876.33 Plus Interest

**RESOLUTION 2018-158**  
**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:

Antoinette Caporaso PO Box 160 Green Village, NJ 07935	\$10.00
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**RESOLUTION 2018-159**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A CHANGE ORDER TO  
THE CONTRACT WITH STAVOLA CONSTRUCTION MATERIAL INC. FOR 2017 ROAD  
IMPROVEMENTS**

**WHEREAS**, the Township Committee of the Township of Chatham awarded a contract through the Morris County Cooperative Pricing Council, Contract #6: Road Resurfacing, District #1, to Stavola Construction Materials, Inc of 175 Drift Road, Tinton Falls, New Jersey for the 2017 Road Improvements Project in the amount of \$842,020.00 (Resolution 2017-145);

**WHEREAS**, the Contract was previously amended to account for the as-built conditions of the 2017 Road Improvements, which were completed for a total of \$900,088.19, \$58,068.19 more than the originally awarded amount;

**WHEREAS**, the Contract was amended a second time to include the milling and paving of the shoulders of Woodland Road, estimated at \$40,000.00 (Resolution 2017-196);

**WHEREAS**, the Contract was increased for the amended scope of work and the amended contract amount was \$940,088.19(Resolution 2017-196);

**WHEREAS**, the remainder of the Contract has been completed and the as-built cost of the project was a total cost of \$966,780.30, an increase of \$26,692.11.

**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 \$26,692.11 to \$966,780.30 for the as-built quantities of the Contract.

**RESOLUTION 2018-160**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
REFUNDING CONSTRUCTION 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 construction permit that was submitted to the Township; and

**WHEREAS**, the project for which the permit was issued was cancelled; and

**WHEREAS**, the fee collected for the permit was \$200.00; and

**WHEREAS**, twenty percent (20%) of the total charge was for plan review, and is therefore being deducted from the refund;

**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>
Ron Jon Heating & Cooling, Inc. 12B Great Meadow Lane East Meadow, NJ 07936	18-0419	\$160.00

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

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

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

Mayor Ritter opened the Hearing of Citizens.

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

### **Executive Session**

#### **RESOLUTION 2018-P-10**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF 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. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
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.

Deputy Mayor Swartz moved to adopt Resolution 2018-P-10 to enter Executive Session at 8:25 PM. Committeeman Sullivan seconded the motion.

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

The Township Committee returned to public session, and Committeeman Sullivan moved to adjourn at 10:08 PM. Committeeman Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk