

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

September 14, 2017
September 13, 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

Oath of Office

1. Tayfun Selen

Roll call

Approval of Agenda

Proclamation - Suicide Prevention Month

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.

Introduction of Ordinances

1. Ordinance 2017-12 Bond Ordinance

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 2017-160 Payment of Bills
2. Resolution 2017-161 Approving Meeting Minutes
3. Resolution 2017-162 Approving Executive Session Minutes
4. Resolution 2017-163 Releasing Escrow Balances
5. Resolution 2017-164 Refunding Permit Fee
6. Resolution 2017-165 Colony Pool Refund
7. Resolution 2017-166 Renewal of Participation in Morris County Municipal JIF
8. Resolution 2017-167 Authorizing Change Order
9. Resolution 2017-168 Amending 2017 Budget: NJAW Funding for Lafayette Ave Paving
10. Resolution 2017-169 Authorizing Lafayette Ave Paving Project

Discussion: possible ordinance or resolution

1. Recognizing Township Veterans
2. Pipelines

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2017-P-13

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
3. Personnel: Public Works

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 2017-12

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township"), is hereby authorized to acquire real property, including existing structures, in, by and for the Township for open space purposes. Said improvement shall include real estate transaction expenses, demolition of existing structures and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired consists of the following parcels described by their street address and legal description on the Tax Assessment Map of the Township:

<u>Street Address</u>	<u>Block</u>	<u>Lot</u>
304 River Road	62	93
9 Southern Boulevard	62	94

The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition of the real property.

Section 2. The sum of \$2,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$500,000 from the New Jersey Department of Environmental Protection Green Acres Program shall be received by the Township to finance the cost of the improvement described in Section 1 hereof. Any of said grant funds so received shall be applied as set forth in Section 9 hereof. Said improvement shall be made as a general

improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Township, (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), (3) the estimated cost of said purpose is \$2,000,000, (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$2,000,000, and (5) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$2,000,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$2,000,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by

the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,000,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 11. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to

reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: September 14, 2017

Adopted:

Attest:

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

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-160

**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 \$1,643,443.37 and the prior month's payroll of \$450,144.59 Current Fund, \$1,900.00 Recreation Trust, \$43,462.78 Sewer No. 1, \$9,322.29 Sewer No. 2, and \$18,355.33 Police Private Employment be paid.

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

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2017-161

**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 17, 2017.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2017-162

**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 17, 2017.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2017-163

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>
T-Mobile Northeast LLC Attn: Gregory Meese, Esq Price, Meese, Shulman & D'Arminio 50 Tice Blvd., Suite 380 Woodcliff Lake, NJ 07677	BOA 10-64.04-6	7760011304	\$703.75
T-Mobile Northeast LLC Attn: Gregory Meese, Esq Price, Meese, Shulman & D'Arminio 50 Tice Blvd., Suite 380 Woodcliff Lake, NJ 07677	BOA 16-62-52	7763179958	\$450.00
T-Mobile Northeast LLC Attn: Gregory Meese, Esq Price, Meese, Shulman & D'Arminio 50 Tice Blvd., Suite 380 Woodcliff Lake, NJ 07677	BOA 16-105-5	7763179966	\$480.00
T-Mobile Northeast LLC Attn: Gregory Meese, Esq Price, Meese, Shulman & D'Arminio 50 Tice Blvd., Suite 380 Woodcliff Lake, NJ 07677	PLNBD 12-62.08-18	7761693204	\$199.99
Jeff Soderberg 43 Huron Drive Chatham, NJ 07928	ROI 2015-56	7763179924	\$323.00

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-164

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 has been cancelled; and

WHEREAS, the fee collected for the permit was \$991.00; and

WHEREAS, 20% of the total charge is being deducted for plan review;

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>
Magnolia Home Remodeling Group 1640 Vauxhall Road Union, NJ 07083	17-0344	\$792.80

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-165

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 & ADDRESS</u>	<u>AMOUNT</u>
Sharon Vitiello 134 Highview Drive Clifton, NJ 07013	\$390.00

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-166

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Chatham is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2017 unless earlier renewed by agreement between the Township of Chatham and the Fund; and

WHEREAS, the Township of Chatham desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of Chatham agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution adopted by the Township Committee of the Township of Chatham at a regular meeting held on September 14, 2017.

Date Issued: _____

Township Clerk

RESOLUTION 2017-167

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH STAVOLA CONSTRUCTION MATERIALS FOR THE 2017 ROAD IMPROVEMENTS PROJECT

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 with address at 175 Drift Road, Tinton Falls, New Jersey for the 2017 Road Improvements Project in the amount of \$842,020.00;

WHEREAS, the Dale Drive, Sunset Drive and Van Houton Drive Neighborhoods were completed for a total of \$900,088.19, \$58,068.19 more than the originally awarded amount;

WHEREAS, the Township wishes to amend the contract amount for the as-built conditions of the Dale Drive, Sunset Drive and Van Houton Drive neighborhoods.

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 \$58,068.19 to amend the scope of work under the contract.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-168

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2017 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$210,000 from New Jersey American Water for the milling and paving of Lafayette Avenue in order to restore same after a water main replacement project and wishes to amend its 2017 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$210,000 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

NJAW Grant for Lafayette Avenue Restoration, and

BE IT FURTHER RESOLVED, that a like sum of \$210,000 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

NJAW Lafayette Avenue Restoration.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2017-169

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

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 the 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 Lafayette Avenue from Southern Boulevard to Shunpike Road/Watchung Avenue.

BE IT RESOLVED that the Township of Chatham hereby awards a contract to Stavola Construction Materials, Inc. in the amount of \$195,000.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2017-P-13

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.

Adopted: September 14, 2017

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk