

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 28, 2017**

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:30 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 6, 2017; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2017; and notice was filed with the Township Clerk on January 6, 2017.

Mayor Ritter led the flag salute.

Roll Call

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

Approval of Agenda

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

Reports

Committeeman Kelly reported that the new compactor at the Tanglewood Recycling Center will go live on Tuesday. He asked residents to be patient as new traffic protocols are worked out. Committeeman Kelly also reported that the auction of surplus DPW equipment closed out this evening, and approximately \$2000 to \$2200 worth of bids were placed. Regarding Open Space, Committeeman Kelly reported that the ordinance on this evening's agenda authorizes the purchase of an open space property. He also noted that the County is moving forward with the purchase of a property next to the Green Village Post Office to allow for better access to a trailhead of the Loantaka Brook Reservation on Green Village Road. A potential additional trail from that trailhead is also being investigated. Committeeman Kelly also said that the County will be flagging a new trail on the Giralda Farms Preserve, which complements the work that the Township is doing to install a walkway on Woodland Road. Deputy Mayor Swartz asked about the status of the County's purchase of the parcel next to the Green Village Post Office. Administrator Ciccarone said that he thinks the estate still needs to be cleared for the transaction to be finalized.

Committeeman Sullivan reported that the Library of the Chathams Board of Trustees recently met.

Deputy Mayor Swartz reported that the Senior Center's Shred Event will be held on October 21st at Lafayette Avenue School. She also recommended that residents follow the Senior Center on Facebook, as upcoming events are posted there. Deputy Mayor Swartz further noted that Tri-Town 55+ is reporting that Phase I of the senior rideshare is coming to an end on September 30th, and Phase II funding will contribute \$5 to the cost of Go-Go-Grandparent rides, with a maximum of four rides a month.

Mayor Ritter reported on the success of the Out of the Darkness suicide prevention walk, and he thanked all those who donated and participated.

Engineer Ruschke reported that there is a resolution on the Consent Agenda to award a contract for the Crack Sealing project, and he explained the purpose of crack sealing. Engineer Ruschke further reported that the Woodland Road Sidewalk project is underway, and should be complete in two weeks. The Chatham Heights Lift Station Improvements Project is also underway, and should be complete in a month. Committeeman Sullivan asked about the impact of the Woodland Road Sidewalk on St. Hubert's. Engineer Ruschke said that they have been pleased with the work that is being performed.

Administrator Ciccarone reported that an application is going before the Madison Planning Board for a project at Giralda Farms. He noted that a portion of the project will be in Chatham Township, and the former owner of the site came before the Chatham Township Planning Board in the 1990's for site plan approval for this site. Administrator Ciccarone said that his opinion is that the applicant will need to come before the Township's Planning Board again to ensure that to amend the site plan and ensure that there will be compliance with stormwater management.

Administrator Ciccarone further reported that the Best Practices Inventory Checklist was completed, and the Township's score was 24/25. The only item which the Township was unable to answer affirmatively was that related to audit recommendations about the need for segregation of duties and tax title liens.

Administrator Ciccarone also reported that there will not be any increase for health insurance premiums for active employees, and there will be a decrease for health insurance premiums for retirees. He also noted that the Township's contribution for the Morris County dispatch service will not increase next year.

Mayor Ritter noted that any residents who are curious about the Township's budget can find information on the website.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.
Seeing none, Mayor Ritter closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

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.

Mayor Ritter opened the Public Hearing on Ordinance 2017-12.

Seeing no members of the public coming forward, Mayor Ritter closed the Public Hearing.

Deputy Mayor Swartz said that this purchase is indicative of the Township's commitment to preserving natural resources. She also commented on the Township Committee's reduction of the Open Space Tax over the past several years, and this purchase makes use of a combination of financial tools without raising taxes.

Committeeman Kelly expressed his support for this purchase, and noted the Township Committee's unanimity in support of the purchase.

Mayor Ritter thanked Committeeman Sullivan and Attorney Cruz for their role in negotiating this purchase.

Deputy Mayor Swartz moved to adopt Ordinance 2017-12. Committeeman Kelly seconded the motion.

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

Consent Agenda

RESOLUTION 2017-171

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:

CFO – August
Construction Official – August
Police Department – August
Tax Collector – August

RESOLUTION 2017-172

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 meetings held on September 14, 2017.

RESOLUTION 2017-173

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 September 14, 2017.

RESOLUTION 2017-174
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF MICRO PAVE SYSTEMS FOR THE 2017 CRACK SEALING PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for a Crack Sealing Project; and

WHEREAS, bids were duly received and opened on September 12, 2017 at 11:00 A.M.; and

WHEREAS, the bid of **Micro Pave Systems**, with the total base amount of \$63,000.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Micro Pave Systems is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Micro Pave Systems in accordance with the bid specifications.

RESOLUTION 2017-175
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 43 SUSAN DRIVE

WHEREAS, the Township Engineer has certified that all applications requirements for 43 Susan Drive, Block 20, Lot 15 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated June 2, 2016 the Township Engineer outlined various conditions for the approval of a sewer connection for 43 Susan Drive, Block 20, Lot 15;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 43 Susan Drive, Block 20, Lot 15 subject to the conditions set forth by the Township Engineer.

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

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

Discussion

Moratorium on Road Opening Permits

Engineer Ruschke said that he is proposing revisions to the ordinance regarding road opening permits to make sure that roads are restored properly. A five-year moratorium will also be placed on the issuance of road opening permits following road resurfacing projects, with allowances for emergency work provided that the restoration meets standards to be set by the ordinance.

Administrator Ciccarone said that this ordinance will have more of an impact on voluntary upgrades to water connections.

Committeeman Selen asked if there is a defined scope of work that would be covered by this ordinance. Engineer Ruschke said that the scope of work for a project is defined during the application process. He also said that a hardship would need to be defined during the application process.

Deputy Mayor Swartz asked about permit fees related to the Lafayette Avenue Sidewalk Project. Engineer Ruschke said that the Township does not have to pay itself permit fees for its own projects.

The consensus of the Township Committee was to have this item placed on the next Township Committee agenda for introduction.

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

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

Executive Session

RESOLUTION 2017-P-14 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
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 Selen moved to pass Resolution 2017-P-13 to enter Executive Session at 8:02 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 at 8:40 PM.

Committeeman Sullivan moved to adjourn at 8:40 PM. Committeeman Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk