

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE AGENDA**  
**OCTOBER 11, 2018**  
October 11, 2018 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 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.

**Flag Salute**

**Roll call**

**Approval of Agenda**

**Proclamation - Pregnancy and Infant Loss Awareness Day**

**Oaths of Office**

1. Lieutenant Christopher Slayton

**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 2018-20 Accepting Conservation Easement for 446 Green Village Road

**Public Hearing/Final Adoption of Ordinances**

1. Ordinance 2018-19 Supplementing Prohibition of Smoking on Public Property

**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 2018-169 Payment of Bills
2. Resolution 2018-170 Approving Meeting Minutes
3. Resolution 2018-171 Approving Executive Session Minutes
4. Resolution 2018-172 Releasing Escrow Balances
5. Resolution 2018-173 Adopting Revised Employee Handbook
6. Resolution 2018-174 Sewer Lien Redemption

**Discussion: possible ordinance or resolution**

1. Shunpike Corridor

**Hearing of Citizens** (Time Permitting)

**Executive Session\*** – Resolution 2018-P-12

1. Potential Litigation: East Park Builders
2. 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. Litigation: Fair Share Housing Center v. Township of Chatham  
Docket No. MRS-L-000234-18
4. Personnel

**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 2018-18**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SUBSECTION 30-61.4, TITLED “INSTALLATION OF IMPROVEMENTS; DEVELOPERS AGREEMENTS AND GUARANTEES; TOWNSHIP DESIGN STANDARDS AND SPECIFICATIONS” BY AMENDING PARAGRAPH C THEREOF TITLED “PERFORMANCE GUARANTEE,” BY ADDING NEW PARAGRAPH K TITLED “SAFETY AND STABILIZATION GUARANTEE,” AND ADDING NEW PARAGRAPH L TITLED “TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE.”**

**WHEREAS**, on January 16, 2018, P.L. 2017, c.312 was signed into law, amending N.J.S.A.40:55D-53 of the Municipal Land Use Law regarding performance, maintenance and other guarantee requirements; and

**WHEREAS**, the Township Committee of the Township of Chatham now desires to amend its Land Development Ordinance to conform to the new legislation.

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

Section 1. Paragraph (c) titled “Performance Guarantee” of subsection 30-61.4 is hereby repealed and replaced as follows:

*Performance Guarantee.* The performance guarantee shall be in favor of the Township in an amount equal to one hundred twenty (120%) percent of the estimate cost of such improvements as determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor’s monuments, as shown on the final map and required by the “Map Filing Law,” N.J.S.A. 46:23-9.9 et seq., water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The performance guarantee may also be required to include, at the discretion of the Township, Planning Board or Zoning Board of Adjustment, a guarantee for the installation of privately-owned perimeter buffer landscaping. At the developer’s option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping. Ten (10%) percent of the performance guarantee shall be in the form of cash or a certified check made payable to "Township of Chatham" and shall be accompanied by a cash deposit agreement and performance guarantee in a form satisfactory to the Township Attorney.

Each performance guarantee, or part thereof, paid in cash, shall be held in escrow by the Township in an account separate from the general funds of the Township and separate from any other such account. The account shall be in a banking institution or savings and loan association in this State insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State, in an amount bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township Treasurer shall notify the developer in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit.

All interest earned on any account shall be retained in the account until paid over as provided in subsection 30-17.10.

In the event that other governmental agencies or public utilities will automatically own the utilities to be installed or the improvements are covered by a performance guarantee to another governmental agency, no performance guarantee shall be required by the

municipality or such utilities or improvements, provided, however, that the municipality may require evidence that the developer has paid to any such other governmental agency or public utility any charges which are required for installation, including any refundable deposits.

All interest earned on any account shall be retained in the account until paid over as provided herein and in accordance with subsection 30-17.10.

Section 2. Subsection 30-61.4 is hereby amended through the addition of Paragraph (k) titled “Safety and Stabilization Guarantee” as follows:

1. *Safety and Stabilization Guarantee.* In addition to a performance guarantee required pursuant to subsection 30-61.4(c), a developer may be required to furnish to the Township a separate guarantee, referred to herein as a “safety and stabilization guarantee”, in favor of the Township, to be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

a. site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

b. work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The amount of the safety and stabilization guarantee shall be calculated as set forth in N.J.S.A. 40:55D-53. At the developer’s option, the safety and stabilization guarantee may be included as a line item for safety and stabilization in the performance guarantee rather than in the form of a separate guarantee.

2. The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

3. The Township Committee shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

4. The Township Committee shall release a “safety and stabilization guarantee” upon the Township Engineer’s determination that the development of the site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

Section 3. Subsection 30-61.4 is hereby amended through the addition of Paragraph (l) titled “Temporary Certificate of Occupancy Guarantee” as follows:

*Temporary Certificate of Occupancy Guarantee.* In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a “temporary certificate of occupancy guarantee” in favor of the Township in an amount equal to one hundred twenty (120%) percent of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an

existing performance guarantee. Upon posting of a temporary certificate of occupancy guarantee, all sums remaining under a performance guarantee, required pursuant to subsection 30-61.4(c), which relate to the development, unit, lot, building or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the Township Engineer. The temporary certificate of occupancy guarantee shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building or phase as to which the temporary certificate of occupancy relates.

Section 4. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: September 27, 2018

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

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

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

**ORDINANCE 2018-19**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 3-11.1,  
TITLED “SMOKING PROHIBITED” OF CHAPTER III, TITLED “POLICE  
REGULATIONS.”**

**WHEREAS**, the Revised General Ordinances of the Township of Chatham (“Township”) set forth certain limitations related to smoking within the Township; and

**WHEREAS**, the Township Committee wishes to revise these provisions to clarify that said limitations apply not only to tobacco smoking but the smoking of other matters or substances and to clarify that smoking is prohibited on all Township property.

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

Section 1. Section 3-11.1 titled “Smoking Prohibited” of Chapter III titled “Police Regulations” is amended as follows:

To protect members of the public from the hazards of second hand smoke, smoking is prohibited in and about any municipal building or structure, or within fifty (50) feet thereof, and in or on municipal owned property which shall include, but not be limited to, any municipally-owned park, playground, recreation area or athletic field, including parking lots. For the purposes of Chapter 3-11 of the Revised General Ordinances of the Township of Chatham, the term “smoking” shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 2. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. Effective Date

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

Introduced: September 27, 2018

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

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

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

**ORDINANCE 2018-20**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, ACCEPTING CONSERVATION EASEMENT FROM MADJ JEPSEN AND SARI JEPSEN, HUSBAND AND WIFE, FOR A CONSERVATION EASEMENT ACROSS LOT 50 IN BLOCK 144 AS SHOWN ON THE CHATHAM TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 446 GREEN VILLAGE ROAD.**

**WHEREAS**, Mads Jepsen and Sari Jepsen, husband and wife, are the owners in fee of real property located at 446 Green Village Road and designated on the Township Tax Map as Lot 50, Block 144 (“Property”); and

**WHEREAS**, approval was granted to Mads Jepsen and Sari Jepsen by the Township of Chatham Board of Adjustment for the demolition and replacement of the existing single family house with variances as memorialized in Resolution No. BOA-16-144-50; and

**WHEREAS**, the Property contains extensive wetlands, flood hazard zones and related buffer and transition areas subject to New Jersey Department of Environmental Protection regulations; and

**WHEREAS**, during the hearing a representative of the Township of Chatham Environmental Commission requested that a Conservation Easement be granted to the Township to allow the Township to inspect and monitor compliance with the aforesaid regulations; and

**WHEREAS**, Mads Jepsen and Sari Jepsen have agreed to subject a portion of the Property to a Conservation Easement to permit the Township to verify compliance with the aforesaid regulations.

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

Section 1. The attached Conservation Easement has been reviewed by the Township Attorney and is hereby accepted.

Section 2. 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.

Section 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect according to law.

Introduced: October 11, 2018

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

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

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

**RESOLUTION 2018-169**

**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 \$647,703.90 and the prior month's payroll of \$421,901.36 Current Fund, \$46,598.55 Sewer No. 1, \$10,467.20 Sewer No. 2, and \$12,043.10 Police Private Employment be paid.

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

Adopted: October 11, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

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

By \_\_\_\_\_  
Curt Ritter, Mayor

DRAFT

**RESOLUTION 2018-170**

**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 September 27, 2018.

Adopted: October 11, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

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

By \_\_\_\_\_  
Curt Ritter, Mayor

DRAFT

**RESOLUTION 2018-171**

**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 27, 2018.

Adopted: October 11, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Curt Ritter, Mayor

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

DRAFT

**RESOLUTION 2018-172**

**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>
Alok Sood 1 Independence Court, #610 Hoboken, NJ 07030	BOA 17-102.11-32	7764128673	\$46.00
Clark Wagner 13 Fairfax Terrace Chatham, NJ 07928	BOA 04-90-13	7200012997	\$18.75
MaryJane Whyte 4 Plymouth Road Chatham, NJ 07928	BOA 16-88-28	7764128277	\$240.00

Adopted: October 11, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

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

By \_\_\_\_\_  
Curt Ritter, Mayor

**RESOLUTION 2018-173**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A REVISED EMPLOYEE HANDBOOK AND PERSONEL POLICIES AND PROCEDURES HANDBOOK**

**WHEREAS**, the Township Committee wishes to approve a revised employee handbook and the personnel policies and procedures handbook, which are on file in the office of the Township Clerk;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that a revised employee handbook and personnel policies and procedures handbook are hereby adopted and shall be available to employees and the public in the office of the Township Clerk.

Adopted: October 11, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Curt Ritter, Mayor

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

**RESOLUTION 2018-174**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, FOR REDEMPTION OF MUNICIPAL SEWER LIEN**

**WHEREAS**, the Tax Collector's Office has received payment for redemption on Municipal Sewer Lien Certificate #17-00003 on Block 64.03 Lot 1.11 known as 5I Terrace Drive in the name of NJCC Fund #5 Subsidiary LLC; and

**WHEREAS**, on September 26, 2018 the Tax Collector's office received the total redemption amount of \$2,171.11 to redeem Municipal Sewer Lien Certificate #17-00003 and deposited into the current fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Township Tax Collector is authorized to forward the Original Tax Sale Certificate to the redeeming party so they may cancel such certificate off record.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

Adopted: October 11, 2018

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 October 11, 2018.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Township Clerk

**RESOLUTION 2018-P-12**

**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. Potential Litigation: East Park Builders
  - b. 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
  - c. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
  - d. Personnel
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: October 11, 2018

Attest:

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

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

By: \_\_\_\_\_  
Curt Ritter, Mayor