

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

November 10, 2016

November 4, 2016 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 8, 2016; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2016; and notice was filed with the Township Clerk on January 8, 2016.

Flag Salute

Roll call

Approval of Agenda

Proclamations

1. Pancreatic Cancer Awareness Month
2. Chatham Turkey Trot

Presentation

1. Library of the Chathams Space Plan and Funding Needs
2. Shunpike Road Corridor Study

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.

Resolutions

1. Resolution 2016-182 Authorizing the Township of Chatham Planning Board to Undertake a Preliminary Investigation for the Redevelopment of Approximately 3.00 Acres of Land Known as a Portion of Block 48.16, Tax Lot 117.27 As Shown on the Township of Chatham Tax Map
2. Resolution 2016-183 Referring a Rezoning Request for Dixiedale Farm to the Planning Board

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 2016-207 Payment of Bills
2. Resolution 2016-208 Receipt of Reports
3. Resolution 2016-209 Approving Meeting Minutes
4. Resolution 2016-210 Approving Executive Session Minutes
5. Resolution 2016-211 Approving Sewer Connection for 42 Dellwood Avenue
6. Resolution 2016-212 Amending Employee Manual
7. Resolution 2016-213 Budget Transfers
8. Resolution 2016-214 Appointing Fire Official
9. Resolution 2016-215 Releasing Performance Bond & Accepting New Performance Bond
10. Resolution 2016-216 Repealing Resolution 2013-027
11. Resolution 2016-217 Appointing Member to Environmental Commission

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

Executive Session* – Resolution 2016-P-17

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 or investment options: Open Space

Adjourn

RESOLUTION 2016-182

RESOLUTION AUTHORIZING THE TOWNSHIP OF CHATHAM PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR THE REDEVELOPMENT OF APPROXIMATELY 3.8 ACRES OF LAND KNOWN AS A PORTION OF BLOCK 48.16, TAX LOT 117.27 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth specific procedures for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township Committee of the Township of Chatham making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the Township of Chatham Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the subject area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the New Jersey Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as required by the amendment to *N.J.S.A. 40A:12A-6*, the Legislature has directed that the Resolution authorizing the Planning Board to undertake a preliminary investigation state whether the redevelopment area determination shall authorize the Township to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all of those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condensation Redevelopment Area”); and

WHEREAS, the redevelopment area determination shall authorize the Township of Chatham to use all of the powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, thus designating it a Non-Condensation Redevelopment Area; and

WHEREAS, the Township Committee of the Township of Chatham wishes to direct the Township of Chatham Planning Board to undertake a preliminary investigation to determine

whether the proposed study area of approximately 3.8 acres known as a portion of Block 48.16, Lot 117.27 as shown on the Township of Chatham Tax Map and depicted on the attached aerial photograph qualifies as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5*.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the Township of Chatham Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether the study area identified above and depicted on the attached aerial photograph is or is not an area in need of redevelopment under the criteria set forth in *N.J.S.A. 40A:12A-1 et seq.*; and

BE IT FURTHER RESOLVED that the Planning Board is hereby authorized to utilize the services of Frank Banisch, P.P., of Banisch Associates, Inc., to perform the preliminary investigation.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-183

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REFERRING A REZONING REQUEST FOR DIXIEDALE FARM TO THE PLANNING BOARD

WHEREAS, Betsie Holt Haar, a/k/a Bettie Holt Harr, is the owner of property located between Hillside Avenue and River Road in the Township of Chatham, shown as Block 66, Lot 1 on the Township Tax Map (“Property”); and

WHEREAS, a joint venture between Sterling Development Group, LLC, and Sun Homes, LLC, and/or its assigns, is the contract purchaser of the Property consisting of approximately 30.33 acres, currently housing a three (3) story mansion and certain accessory outbuildings, generally known as the Dixiedale Farm; and

WHEREAS, on July 18, 2016, Douglas R. Henshaw, Esq., wrote on behalf of Betsie Holt Haar and Sterling Properties/Sun Homes to request that the Property be rezoned from the current R-2, which permits single family homes on 60,000 square foot lots with lot size averaging 41,250 square feet, to a zone that permits the Property to be developed with fifty-four (54) residential dwellings, fifty (50) to be located in either single or dual mansion homes, with four (4) units to be developed on the second floor of the existing mansion on the Property; and

WHEREAS, Sterling Properties/Sun Homes also offered to provide the Township with a one-hundred (100%) percent affordable housing development on that approximate 3.8 acres municipally owned parcel fronting on Southern Boulevard and next to the Township Police Department and Public Works Department in the Township of Chatham, shown as a portion of Block 48.16, Lot 117.27 on the Township Tax Map and depicted on the attached aerial photograph; and

WHEREAS, the Township’s Planning Board is charged by the Municipal Land Use Law with the responsibility of developing the Township’s Master Plan and determining whether proposed changes to the Township’s Land Development Ordinance are consistent with the Master Plan; and

WHEREAS, the Mayor and Township Committee desire that the Planning Board review the request of Betsie Holt Harr and Sterling Properties/Sun Homes to rezone the Property and, if necessary, in the Planning Board’s discretion, examine or amend the Master Plan and propose an Ordinance consistent with any Master Plan report addressing the request of Betsie Holt Haar and Sterling Properties/Sun Homes.

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

1. That the request of Betsie Holt Haar and Sterling Properties/Sun Homes to rezone Block 66, Lot 1 be reviewed by the Planning Board.
2. That the Planning Board, in its discretion, take that action it deems appropriate, including any Master Plan examination, amendment or proposed Ordinance in response to the rezoning request.
3. That Betsie Holt Haar and Sterling Properties/Sun Homes establish an escrow with the Township in the sum of \$5,000.00, and replenish that escrow as necessary for the Planning Board's and Township's costs associated with Betsie Holt Harr's and Sterling Properties/Sun Homes' request.
4. That the Township Clerk forward a copy of this Resolution to the Planning Board Secretary for distribution to the Planning Board and its staff.
5. That this Resolution shall take effect immediately.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-207

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 \$905,249.01 and the prior month's payroll of \$392,985.67 Current Fund, \$45,059.96 Sewer No. 1, \$8,948.07 Sewer No. 2, and \$25,900.19 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of November 2016, in the amount of \$2,963,374.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Fourth Quarter of 2016, in the amount of \$2,464,002.88 be paid.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-208

**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 – October
CFO – October

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-209

**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 October 27, 2016.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-210

**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 October 27, 2016.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-211

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 42 DELLWOOD AVE

WHEREAS, the Township Engineer has certified that all applications requirements for 42 Dellwood Avenue, Block 78, Lot 19.05 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated October 24, 2016 the Township Engineer outlined various conditions for the approval of a sewer connection for 42 Dellwood Avenue, Block 78, Lot 19.05;

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 42 Dellwood Avenue, Block 78, Lot 19.05 subject to the conditions set forth by the Township Engineer.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-212

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A REVISED EMPLOYEE HANDBOOK

WHEREAS, the Township Committee adopted Resolution 2016-180 on September 6, 2016, approving a revised and updated employee handbook to assure compliance with all applicable laws and regulations; and

WHEREAS, the Township Committee wishes to approve a revision to the employee handbook, which incorporates the following changes/additions:

1. Article V - Benefits Package, Section C - Sick Days, shall be amended by insertion of the following - Employees hired on or after January 1, 2017 shall not be compensated for unused sick leave.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-213

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2016 municipal budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Current Fund

Appropriation	To	From
Group Health Insurance Waiver	\$2,200	
Water	\$1,500	
Engineering Services	\$25,000	
Fire Departments OE	\$20,000	
Natural Gas	\$5,000	
Telephones	\$4,000	
Municipal Clerk OE	\$1,500	
Legal Services	\$15,000	
Road Repairs OE	\$5,000	
Buildings and Grounds OE	\$10,000	
Vehicle Maintenance	\$15,000	
Tax Collector OE	\$1,000	
Recreation S&W		\$40,000
Colony SW		\$65,200
Current Fund Total	\$105,200	\$105,200

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-215

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING A PERFORMANCE BOND AND ACCEPTING A NEW PERFORMANCE BOND

BE IT RESOLVED by the Township Committee of the Township of Chatham that Bond No. 0595809 issued on December 4, 2013 by the International Fidelity Insurance Company and submitted on behalf of the below named developer, property and amount is released and may be returned to International Fidelity upon the condition that International Fidelity issue a replacement Bond acceptable to the Township Committee:

<u>Name</u>	<u>Block & Lot</u>	<u>Amount</u>
Fenix-Chatham I, LLC Fenix-Chatham II, LLC Long View at Chatham, LLC c/o Ronald Gunn 41 Fairview Ave Madison, NJ 07940	Block 33, Lots 1, 1.01, 1.02, 14, 14.01, 17, & 20 and Block 32 Lot 2.01 and Block 9, Lots 1 & 1.01	\$971,614.06

Re: High Gate at Chatham

BE IT FURTHER RESOLVED that the Township of Chatham accepts Bond No. NRIFSU 0595809 issued on November 1, 2016 as submitted by the above referenced developer in the amount of \$971,614.06, issued by International Fidelity Insurance Company, which replaces the above referenced performance bond.

Adopted: November 10, 2016

Attest:

Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-216

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING RESOLUTION 2013-027 REGARDING EMPLOYEE WAIVER OF HEALTH INSURANCE COVERAGE

WHEREAS, the Township of Chatham provides health insurance coverages, including for children, family, and spousal/civil union partner, to its full time employees pursuant to N.J.S.A. 40A:10-17.1, et seq.; and

WHEREAS, the Township Committee adopted Resolution 2013-027 offering employees the opportunity to waive such coverages and providing compensation for doing so; and

WHEREAS, changes in State law now mandate that employees contribute to the cost of health insurance which provides adequate incentive for opting out when other coverage is available.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Resolution 2013-027 is hereby repealed, effective January 1, 2017.

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

RESOLUTION 2016-217

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPOINTING MEMBER TO THE CHATHAM TOWNSHIP
ENVIRONMENTAL COMMISSION**

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

Chatham Township Environmental Commission:

1. Cara Feeser (2017) – Filling Unexpired Term

Adopted: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-P-17

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 or investment options: Open Space
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: November 10, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk