

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

December 1, 2016

December 1, 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

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.

Public Hearing/Final Adoption of Ordinances

1. Ordinance 2016-19 Amending Zoning Map and Rezoning Certain Properties on Chestnut Road

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 2016-218 Approving Meeting Minutes
2. Resolution 2016-219 Approving Executive Session Minutes
3. Resolution 2016-220 Releasing Escrow Balances
4. Resolution 2016-221 Renewal of Contract with MCMUA for Recycling Pickup
5. Resolution 2016-222 Rejecting Bids and Authorizing Re-Bid for Electrical Improvements & Fuel Storage Tank
6. Resolution 2016-223 Settlement of Tax Appeal

Discussion: possible ordinance or resolution

1. 2017 Meeting Schedule

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2016-P-18

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. Collective Bargaining Agreement: PBA
3. Property acquisition or investment options: Open Space

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 2016-19

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND SUBSECTION 30-75.2 TITLED “MAP AND SCHEDULE” OF CHAPTER XXX, TITLED “LAND DEVELOPMENT” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO CHANGE THE ZONING DISTRICT CLASSIFICATION ON THE OFFICIAL ZONING MAP FROM R-3 RESIDENCE DISTRICT TO R-4 RESIDENCE DISTRICT FOR THE FOLLOWING PROPERTIES: BLOCK 54, LOTS 10, 11.01, 11.02, 12, 13, 14 AND 15 FRONTING ON CHESTNUT ROAD NEAR ITS INTERSECTION WITH FAIRMONT AVENUE

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

SECTION 1. Subsection 30-75.2 titled “Map and Schedule” of Section 30-75 titled “Zone Districts and Enforcement” of Chapter XXX titled “Land Development” of the Revised General Ordinances of the Township of Chatham is hereby amended as follows:

- A. Change the zoning district classification on the official zoning map from the R-3 Residence District to R-4 Residence District for the following properties:

Block 54, Lot 10
Block 54, Lot 11.01
Block 54, Lot 11.02
Block 54, Lot 12
Block 54, Lot 13
Block 54, Lot 14
Block 54, Lot 15.

- B. The “Official Zoning Map, Township of Chatham, Morris County, New Jersey”, dated March, 1999, is hereby replaced by the “Official Zoning Map, Township of Chatham, Morris County, New Jersey”, dated March, 1999, revised as of October, 2016, and is hereby adopted, and the Schedule of Requirements which is part of Chapter XXX remains as shown in Appendix I, “Schedule of Zoning Requirements.”

SECTION 2. All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

SECTION 3. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION 4. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) 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: October 27, 2016

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

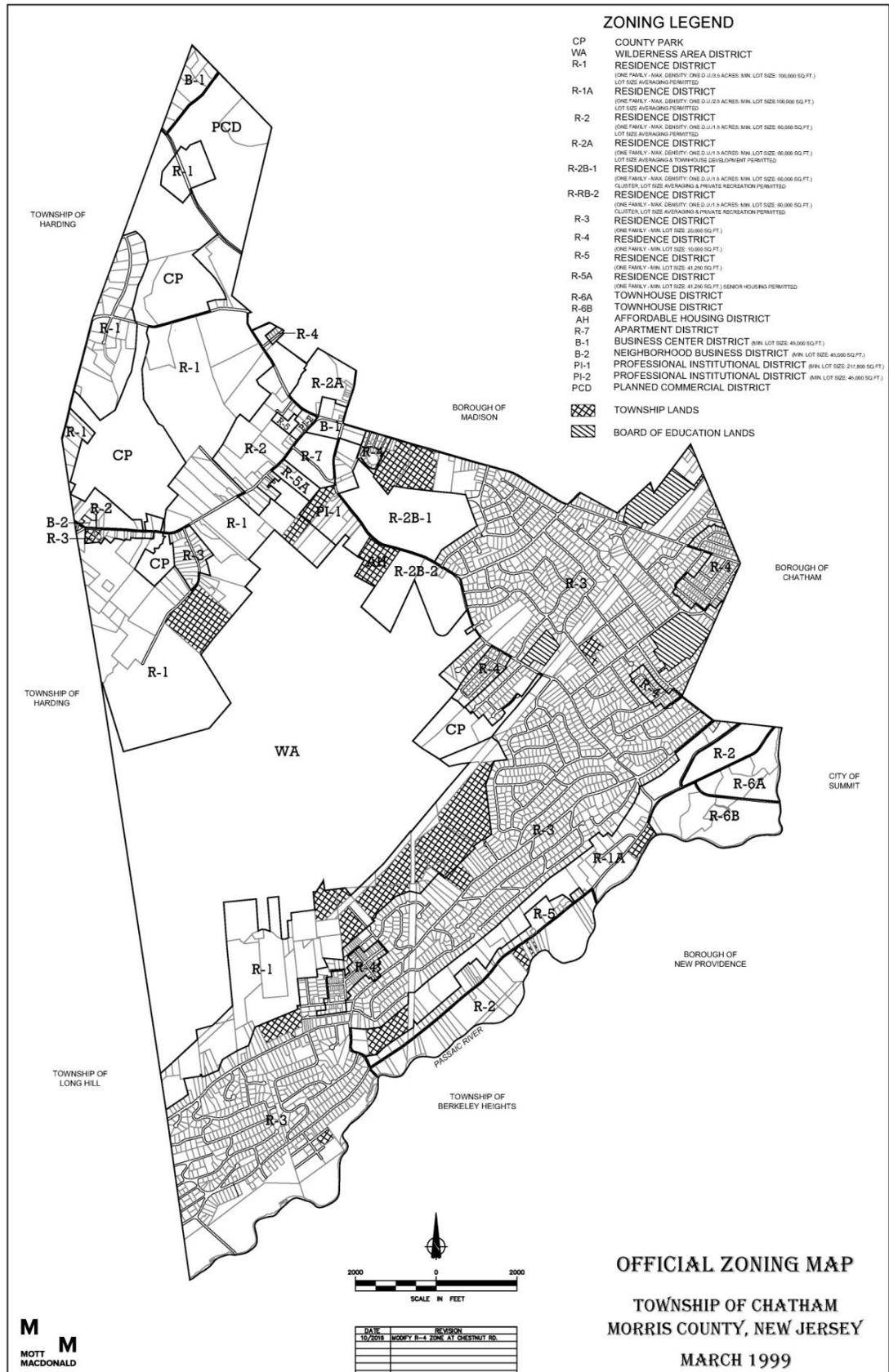
Adopted:

Attest:

BY: _____

Curt Ritter, Mayor

Gregory J. LaConte, Clerk



RESOLUTION 2016-218

**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 November 10, 2016.

Adopted: December 1, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

DRAFT

RESOLUTION 2016-219

**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 November 10, 2016.

Adopted: December 1, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-220

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>
Fullerton Landscapes LLC 12 Chesler Terr Succasunna, NJ 07876	ROI 2015-48 18 Whitman Drive	7763179875	\$167.00

Adopted: December 1, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-221

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDING A CONTRACT TO THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR RECYCLING SERVICES

WHEREAS, State law permits contracts for services between governmental entities without formal competitive bids; and

WHEREAS, the Township has entered into a contract with the Morris County MUA for the collection of Township recyclables using a single-stream system; and

WHEREAS, the Township wishes to renew the contract for an additional three years with two renewal options;

WHEREAS, the contract rate will be at the cost of annual rate of \$126,847.62 payable on a monthly basis for the year 2017, with a 2% increase for the successive three years with two annual renewal options at the same rate of increase;

WHEREAS, the contract also includes a formula for revenue sharing;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a contract for the curbside collection of recyclables at an annual rate of \$126,847.62 payable on a monthly basis for the year 2017, \$129,384.58 payable on a monthly basis for the year 2018, \$131,972.27 payable on a monthly basis for the year 2019 and if renewed, \$134,611.71 payable on a monthly basis for the year 2020 and \$137,303.95 payable on a monthly basis for the year 2021.

BE IT FURTHER RESOLVED that the Morris County MUA will make revenue sharing payments to the Township in a manner consistent with the language of the contract.

Adopted: December 1, 2016

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

Attest:

Gregory J. LaConte, Clerk

BY: _____
Curt Ritter, Mayor

RESOLUTION 2016-222

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2016 ELECTRICAL IMPROVEMENTS AND FUEL STORAGE TANK PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids an Electrical Improvements and Fuel Storage Tank Project; and

WHEREAS, the bid specifications contained a typographical error in the bid opening date; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, it is the recommendation of the Township Attorney that the bids be rejected;

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, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Electrical Improvements and Fuel Storage Tank Project.

Adopted: December 1, 2016

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Curt Ritter, Mayor

RESOLUTION 2016-223

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEALS OF KEITH & RENEE O'CONNOR

WHEREAS, Keith and Renee O'Connor ("Taxpayer"), the owner of Block 128, Lot 43 on the Township of Chatham's Tax Assessment Maps, commonly known as 9 Woodmont Drive ("Property"), filed an appeal of its 2016 tax assessment in the Tax Court of New Jersey, Docket No. 010141-2016.

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeal and the recommendations of its Township Tax Assessor and Township Attorney, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

WHEREAS, Block 128, Lot 43 was assessed at \$2,175,300 for the year under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon Taxpayer's property located at Block 128, Lot 43; and

WHEREAS, the 2016 total tax assessment, based upon said reduction, will be \$2,100,000 instead of \$2,175,300 for Block 128, Lot 43; and

WHEREAS, Taxpayer has agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham's Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayer without prejudice to its dealing with any other Chatham Township's taxpayers' request for tax assessment reduction; and

WHEREAS, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$2,100,000 total tax assessment for the 2016 Tax Year for Block 128, Lot 43, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Township Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Keith and Renee O'Connor ("Taxpayer") Docket No. 010141-2016 which reduces the total tax assessment on Block 128, Lot 43 from \$2,175,300 to a total tax assessment of \$2,100,000 for the 2016 Tax Year; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

Adopted: December 1, 2016

Attest:

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-P-18

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. Collective Bargaining Agreement: PBA
 - c. 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: December 1, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk