

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
OCTOBER 9, 2014**

Mayor Sullivan called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:34 PM.

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, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

Roll Call

Answering present to the roll call were Committeewoman Abbott, Committeeman Brower, Committeeman Gallop, Deputy Mayor Ritter and Mayor Sullivan.

Agenda

The Agenda was approved as written.

Reports

Committeewoman Abbott reported that October 8th was National Walk to School Day, and the Police Department helped to promote the event. A Safe Routes to School Grant has been applied for, and the Township will not hear back for a few months. The Community Garden is winding down, and will be purchasing a shed for \$1600. There are also plans to acquire stone so as to fix the driveway and prepare a base for the shed. Committeewoman Abbott also reported that MACC would like to cosponsor the medication drop-box at the Police Department. She also reported that the Health Department plans to address Suicide Prevention Education.

Committeeman Gallop reported that the medication drop-box will be available 24 hours a day, but added that future publications will note that the most convenient time to drop off is from 10:00 AM to 6:00 PM.

Committeeman Brower asked that the Public Works Department address tree branches that overhang power lines. He also noted that a historical marker sign was put up for Nash Field Greenhouse Area, and he thanked the Public Works Department for assisting with that.

Deputy Mayor Ritter reported that the Communications Committee had a productive meeting, and he commented on some website usage statistics. He also noted that the communications protocols will be redistributed to Township departments. Deputy Mayor Ritter also thanked the Public Works Department for hanging the ACT Now! banner across Southern Boulevard. He also reported that the Green Village Fire Department had an open house, and the Chatham Township Volunteer Fire Department will be holding one. On October 18th, the MUA will be holding a hazardous waste drop-off event. The Chatham Education Foundation will be holding a Trivia Night.

Committeeman Brower suggested that potential costs be ascertained for what it would cost to have a paid fire department. Administrator Ciccarone said that it would cost at least the same amount of money that the Township currently pays for the Police Department.

Mayor Sullivan noted that information has been posted on the Township website regarding entrovirus. He also said that on October 15th, the Daughters of the American Revolution are hosting a speaker at the Municipal Building regarding George Washington.

Engineer Ruschke reported that the Nash Field Improvements bids came in much higher than anticipated, ergo a resolution is on the Consent Agenda for rejection of the bids. Some of the

work proposed to be done can be performed by the Public Works Department. Administrator Ciccarone said that Public Works will be doing the work.

Committeeman Brower asked Engineer Ruschke if utility companies have provided information to Public Works on contingencies in case the Township has another storm like what was experienced in 2011 & 2012. Administrator Ciccarone said that a map has been received of the electrical distribution center; however he does not know if any changes have been made that would affect how long it would take to recover from a storm like Hurricane Sandy.

Committeeman Brower said that he would like to see better communication from JCP&L in circumstances such as the aftermath of a hurricane. Administrator Ciccarone said that JCP&L did communicate with the Township, however they did not have much useful information to provide. Mayor Sullivan said that it would be difficult for JCP&L to pinpoint street-level information in such a disaster.

Committeeman Gallop asked for the status of having a generator for the Municipal Building. Engineer Ruschke said that the transfer switch has been installed, and the Township could currently rent a generator if needed. As part of the sewer system project, a new generator will be installed at the Tanglewood Plant, and the generator currently there will be affixed to a trailer and will be usable at the Municipal Building. Engineer Ruschke also said that if a hurricane is anticipated, the Township will be proactive and rent the best size generator available before such a storm hits.

Regarding the Shunpike Sidewalks Project, a preconstruction meeting has been held. Late October is the estimated start time, and notice has been sent to residents directly affected by this project. He also reported that Administrator Ciccarone has negotiated a contribution from NJ American Water for paving Buxton Road, and Tilcon has been contacted via the Morris County Co-op to do the work.

Resolution

RESOLUTION 2014-182

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY URGING CONGRESS TO PROTECT THE COUNTRY AND THE CITIZENS OF NEW JERSEY BY INTRODUCING, SUPPORTING AND PASSING LEGISLATION TO RENOUNCE CITIZENSHIP OF THOSE WHO WILLFULLY SUPPORT TERRORIST GROUPS

WHEREAS, it has become a known fact that American citizens have left the country to take up arms with terrorist groups, sworn enemies of the United States. That their actions of providing support, aid and comfort to the enemy are acts of treason.

WHEREAS, the state of New Jersey suffered significant pain and loss of life during the tragic events of September 11, 2001. A pain that still lingers for thousands of families throughout the state.

WHEREAS, on June 25, 2014 a heinous, random act of terror was committed in West Orange by an American citizen sympathetic to groups who have declared war on the United States.

WHEREAS, to allow citizens of similar ilk, who have travelled abroad and were trained and fought for radical ideologies, dedicated to the destruction of America, to return unimpeded to the United States and the State of New Jersey by Congress's failing to take any action on behalf of the citizens of New Jersey would constitute a gross negligence of their duty and a betrayal of their oath of office.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the United States Senators from the State of New Jersey and the Congressional Representatives from all twelve Congressional Districts should take immediate steps to protect the citizens of this great state, which they have a duty to defend by supporting existing legislation and or reintroducing legislation to ensure a vote comes before the entire Congress for this common sense, non-partisan legislation that revokes passports and renounces United States citizenship for any individual that has willfully supported or joined any terrorist group or country at war with the United States; and

BE IT FURTHER RESOLVED that the Township of Chatham is calling on elected officials serving New Jersey at all levels of government to pass similar resolutions and work in concert to promote the protection of New Jersey citizens and their liberty.

Mayor Sullivan said that he wrote this resolution in response to the murder of a man from West Orange by terrorists, and the failures of Congress to pass legislation that would better protect Americans. He also read the resolution aloud.

Committeeman Gallop asked if the resolution could be amended to address gun control legislation. Mayor Sullivan said that gun control is a separate issue that can be dealt with in a separate resolution.

Committeeman Brower moved to pass Resolution 2014-182. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Committeewoman Abbott noted that her support of this resolution does not indicate any prejudice against Islam. Mayor Sullivan noted that the resolution does not address religion in any way.

Committeeman Gallop said that the Township Committee could engage in a lot of debate about the actions and/or inactions of Congress, and that the Township Committee should also address issues such as gun control. Mayor Sullivan said that Second Amendment debate is very different from matters of terrorism.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2014-15

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF PROPERTY KNOWN AS BLOCK 142, LOTS 1 AND 2 LOCATED NORTH OF WOODLAND AVENUE AND BLOCK 141, LOTS 7, 8 AND 9.04 LOCATED SOUTH OF WOODLAND AVENUE, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM BY ASSIGNMENT FROM THE OPEN SPACE LAND TRUST

WHEREAS, the Township of Chatham was offered the opportunity to acquire property known as Block 142, Lots 1 and 2 located North of Woodland Avenue (“Property”) and Block 141, Lots 7, 8 and 9.04 located South of Woodland Avenue (“Woodland Parcel”), on the Official Tax Map of the Township of Chatham, for passive open space by assignment from the Open Space Institute Land Trust (“OSI”); and

WHEREAS, the Property offered to the Township consists of approximately 131.344± acres, excluding Dodge Drive, subject to a restrictive covenant limiting the use of the Property and the Woodland Parcel to conservation and passive recreation purposes; and

WHEREAS, the contract purchaser, Normandy MRY Madison, LLC, of the Property and Woodland Parcel agreed to assign a Purchase and Sale Agreement to OSI for a purchase price of \$14,100,000.00 (“Purchase Price”); and

WHEREAS, OSI assembled various funding sources for the Purchase Price of the Property and Woodland Parcel as follows:

Source of Funds

- Morris County Open Space Trust Fund
- Morris County Park Commission
- Morris County Municipal Utilities Authority
- Chatham Township
- Open Space Institute Land Trust
- Normandy MRY Madison, LLC

WHEREAS, the parties will acquire title to the Property and Woodland Parcel in proportion to their contribution; and

WHEREAS, however, through a series of conveyances at the closing, the Township will own approximately 91.9118% of the Property and the County of Morris for park purposes will own approximately 8.0882% of the Property, subject to further revision based upon the actual proportion of the individual contributions; and

WHEREAS, however, the County of Morris, for park purposes, will solely own the Woodland Parcel; and

WHEREAS, the acquisition of the Property and Woodland Parcel is contingent upon the funding sources contributing the full Purchase Price; and

WHEREAS, the Township's portion of the funding is from the following sources:

<u>Party</u>	<u>Source of Funds</u>	<u>Amount</u>
Township	Chatham Township Green Acres Grant	\$400,000.00
Township	Chatham Township Open Space Trust Fund	\$300,000.00

WHEREAS, the Township desires to acquire title to the Property in the approximate percentage described above contingent upon funding and revision of the actual percentage ownership based upon the actual proportion of the contribution; and

WHEREAS, the Township desires to appropriate \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and \$300,000.00 from the Township Open Space Trust Fund.

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

1. The Township of Chatham hereby approves and authorizes the Township Mayor, Administrator, Clerk and Attorney to execute any and all documents necessary to consummate the acquisition of the Property and Woodland Parcel, including but not limited to:
 - a) Partial Assignment of Agreement;
 - b) Acquisition Funding and Assignment Agreement;
 - c) Agreement Pertaining to Declaration Amendment;
 - d) Cooperation Agreement;
 - e) Environmental Release;
 - f) Declaration of Conservation Restrictions;
 - g) Closing Statement; and
 - h) Such other documents as are necessary to consummate this transaction.
2. Appropriate up to \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and up to \$300,000.00 from the Township Open Space Trust Fund for its share of the funding to acquire the Property.
3. The documents described in Paragraph 1 above shall provide the following:
 - a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the Township and the County of Morris for park purposes owning the Property in the approximate percentages stated above as tenants in common.
 - b) The closing shall occur on or before December 31, 2014.
 - c) The closing shall be contingent upon the funding of the Purchase Price as described above.
 - d) Title shall be subject to a restrictive covenant limiting the use of the Property to conservation and passive recreation purposes.
4. This Ordinance shall take effect in accordance with law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-15.

1. Mike Kelly, 67 Mountain Ave, complimented the Township Committee on moving forward with this ordinance. He also asked for an update on where things stand with negotiations and what next steps need to be taken.

Mayor Sullivan said that the County needs to have their hearing on the application for an Open Space Trust Grant. There is also some legal work to be done on some details for the agreement. Committeeman Brower complimented Attorney Cruz for his efforts on this project.

Seeing no further comment, Mayor Sullivan closed the Public Hearing.

Deputy Mayor Ritter moved to adopt Ordinance 2014-15. Committeewoman Abbott seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Committeeman Brower said that with this acquisition will have more than 50% of Township land being designated as Open Space, and he opined that any open space should be usable for active recreation.

Consent Agenda

RESOLUTION 2014-183

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 \$1,537,722.68 and the prior month's payroll of \$402,658.28 Current Fund, \$47,889.62 Sewer No. 1, \$10,884.83 Sewer No. 2, \$131.25 Recreation Trust and \$22,318.66 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2014, in the amount of \$2,828,281.01 be paid.

RESOLUTION 2014-184

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MEETING MINUTES

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 25, 2014.

RESOLUTION 2014-185

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

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 25, 2014.

RESOLUTION 2014-186

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING SUBMITTAL OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GLENMERE AVENUE IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Glenmere Avenue Improvements-00235 to the New Jersey Department of Transportation on behalf of the Township of Chatham;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2014-187

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING RESOLUTION 2013-233 ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2014

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2014-233, establishing salaries of non-contractual employees for 2014, is hereby amended as follows:

Public Works Manager	\$117,842
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In addition to the base salary to be paid, the Public Works Manager shall be paid \$12,500 for the year 2014 which shall not be considered an addition to the base salary for pension purposes or any other purpose. This payment will be subject to all appropriate federal and state taxes and will be paid in one lump sum with the last pay of the year.

This Resolution shall take effect immediately.

RESOLUTION 2014-188
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2014 NASH FIELD IMPROVEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids a Nash Field Improvements Project; and
WHEREAS, the bids received on October 2, 2014 exceeded the estimates for the project; 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 Engineer 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 Nash Field Improvements Project.

RESOLUTION 2014-189
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Office Manager with regard to the fee that was paid for a construction permit that was submitted twice for the same work;

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>
Mr. Constantine Coutras 15 Yarmouth Road Chatham, NJ 07928	13-0599+H	\$75.00

Engineer Ruschke addressed the application for Glenmere Road Improvements.

Deputy Mayor Ritter asked about a payment on the bill list to Al Hauser. Administrator Ciccarone said that the payment is a reimbursement for things that Mr. Hauser has spent money on in the performance of his duties as the manager of Colony Pool. He also gets a mileage allowance for travel to pool management courses. Committeeman Brower said that the money spent on the pool management classes is money well spent.

Committeewoman Abbott moved to approve the Consent Agenda. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Discussion

Best Practices Checklist

Administrator Ciccarone said that points are awarded for responses to questions on the Best Practices Checklist, and a score of 41/50 is needed to avoid a reduction in State Aid. He reviewed with the Township Committee those questions where the response is "no." The Township's score will not result in any reduction in State Aid.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.
Seeing no comment, Mayor Sullivan closed the Hearing of Citizens.

Further Discussion

Committeeman Brower addressed the inability to reach a live person when trying to call the Police Department when it is not business hours.

Executive Session

**RESOLUTION 2014-P-16
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. Property acquisition or investment options: Giralda Farms Property (Block 142, Lot 1 & Block 141, Lots 7, 8 & 9.04)
 - b. Pending or anticipated litigation: Paff v. Township of Chatham et al
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.

Deputy Mayor Ritter moved to pass Resolution 2014-P-16 to enter Executive Session at 9:54 PM. Committeewoman Abbott seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee returned to Public Session at 10:14 PM.

Deputy Mayor Ritter moved to adjourn at 10:14 PM. Committeewoman Abbott seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk