

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
FEBRUARY 18, 2014**

Mayor Sullivan called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:07 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 February 11, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on February 11, 2014; and notice was filed with the Township Clerk on February 11, 2014.

Mayor Sullivan led the Flag Salute.

Roll Call

Answering present to the roll call were Committeewoman Abbott, Deputy Mayor Ritter and Mayor Sullivan. Committeeman Gallop and Committeeman Brower arrived a few minutes late.

Approval of Agenda

Resolution 2014-063, appointing a new member to the Community Garden Committee, was added to the Consent Agenda.

Deputy Mayor Ritter moved to approve the agenda as amended. Committeewoman Abbott seconded the motion.

Announcements

Mayor Sullivan announced that February is American Heart Month. He encouraged people to visit the American Heart Association website to get information on cardiovascular health. Mayor Sullivan also read aloud a letter sent from the Senior Center to the Department of Public Works for the outstanding job that they have done clearing the parking lot and walkway leading to the Senior Center. Mayor Sullivan further announced that the Chatham Emergency Squad has kicked off their annual fundraising drive. He encouraged residents to give generously to the Squad. Finally, Mayor Sullivan announced that Chatham Township was rated as being the safest municipality in New Jersey by an online real estate company.

Reports

Committeewoman Abbott reported that the Planning Board has authorized the Township Planner to begin work on the updates to the Circulation Plan. The updates process will utilize a PPGIS system, and also consider the Complete Streets philosophy. Committeewoman Abbott also reported that the Colony Pool Advisory Committee has two new active members, and the committee will be continuing the new programs from 2013. For the Community Garden, Committeewoman Abbott reported that the Township has 24 members, and the Borough has 9 more individual members than the Township. There is also a school plot, a food pantry plot, and a Town & Country Garden Club plot. An old foundation was removed from the site and new soil was brought in. Committeewoman Abbott asked about the Township's commitment to assist in upgrades to the driveway at the site. Administrator Ciccarone said that there is a financial commitment, however the Borough had indicated that they had sufficient material to get the work done.

Committeeman Gallop reported that the Open Space Committee passed a resolution urging the Township Committee to pursue the purchase of a parcel of interest. He also reported that the County has a form available for residents whose mailboxes were damaged by snow removal efforts.

Deputy Mayor Ritter reported that several press releases were sent out regarding winter weather. The Communications Committee is working on a protocol manual for press releases. There will

also be a campaign to encourage residents to sign up for Everbridge alerts. The Environmental Commission has also met, and they are developing a survey to ascertain resident interest in weekly recycling pickup. Deputy Mayor Ritter also met with the fire departments. The Green Village Fire Department would like to designate a portion of Green Village Road as Volunteer Way. Deputy Mayor Ritter also noted that the fire departments would appreciate if residents could assist them by helping to clear fire hydrants of snow and ice. He also mentioned that the Chatham Emergency Squad had their installation of officers. The Library of the Chathams Board of Trustees has also met recently, and they now have a smartphone app.

Committeeman Brower complimented the DPW on their snow removal efforts. He also reported that deer management efforts have been successful.

Mayor Sullivan reported that the Joint Court now includes Morris Township, which will result in an additional \$20,000 in savings for Chatham Township. The Joint Recreation Committee has also met, and they will be working with club sports on the background checks.

Public Hearing/Final Adoption of Ordinances

Ordinance 2014-01

**ORDINANCE 2014-01
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO AMEND THE
ANNUAL RENEWAL FEE FOR LIQUOR LICENSES**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

1. **6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

| <i>Class of License</i> | <i>Annual Fee</i> | <i>Number</i> |
|-------------------------------------|-------------------|---------------|
| Plenary Retail Consumption License | \$2500.00 | 3 |
| Plenary Retail Distribution License | \$907.00 | 2 |

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.

3. This ordinance shall take effect as provided by law.

The Township Clerk read aloud Ordinance 2014-01 into the record.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-01. Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Deputy Mayor Ritter moved to adopt Ordinance 2014-01.

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

Introduction of Ordinances

Ordinance 2014-02

**ORDINANCE 2014-02
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, AMENDING UNIFORM CONSTRUCTION CODE FEES**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter XI, Building and Housing, Section 11-1.3, Fees, to modify the following fees under the Uniform Construction Code for Building Subcode Fees and Electrical Subcode Fees, as follows:

1. Subsection 11-1.3b. is amended to read as follows:
11-1.3b.2.d. Radiant floor heat: \$50.00. Water utility connection, sewer utility connection, septic abandonment: \$95.00.
2. Subsection 11-1.3h. is amended to add the following:
11-1.3h.5. Construction Records Clearance Certificate - \$40.00
3. All other terms and provisions of Chapter XI shall remain unchanged.
4. This ordinance shall take effect as provided by law.

Committeeman Brower moved to introduce Ordinance 2014-02. Committeewoman Abbott seconded the motion.

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

Public Hearing on Ordinance 2014-02 will be scheduled for March 13, 2014.

Ordinance 2014-03

ORDINANCE 2014-03

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING ALL OF THE TOWNSHIP OF CHATHAM'S RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF 73 LINDEN LANE, BLOCK 83, LOT 35, AND 75 PINE STREET, BLOCK 83, LOT 56 ON WHICH A WALKWAY EASEMENT IS LOCATED

WHEREAS, there exists in the Township of Chatham, Morris County, New Jersey, a walkway easement which is located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Official Tax Map of the Township of Chatham ("Properties"); and

WHEREAS, the owners of the Properties requested that the walkway easement located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Tax Map of the Township of Chatham, be released, extinguished and vacated; and

WHEREAS, the Township Committee of the Township of Chatham does hereby determine that the walkway easement has not been opened by the Township, is no longer needed for public purposes and that the public interest will be better served by releasing, extinguishing and vacating the walkway easement; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release, extinguish and vacate the public's rights, and the rights of the Township in the walkway easement.

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

SECTION 1. Subject to the conditions set forth below, the rights of the public and the Township of Chatham in and to the walkway easement are hereby released, extinguished and vacated.

SECTION 2. The walkway easement being vacated shall revert to and remain a part of Block 83, Lot 35 and Block 83, Lot 56.

SECTION 3. Expressly reserved and excepted from this vacation are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the walkway easement to be vacated.

SECTION 4. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

SECTION 5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 6. The Mayor and Clerk are hereby authorized to sign a Quitclaim Deed releasing, extinguishing and vacating the walkway easement on the Properties.

SECTION 7. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 8. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Morris County Clerk's Office.

Committeewoman Abbott said that she is voting yes on this ordinance with reservations. She said that Linden Lane used to have an unofficial walkway to Maple Street on a sewer easement, however the new property owner has closed off that path from pedestrians. However, the current walkway easement is 700 feet long, and has the potential hazard of a pond.

Committeeman Brower moved to introduce Ordinance 2014-03. Deputy Mayor Ritter seconded the motion.

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

Public Hearing on Ordinance 2014-03 will be scheduled for March 13, 2014.

Ordinance 2014-04

ORDINANCE 2014-04

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF OPEN SPACE ACQUISITION

WHEREAS, the Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2014;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

1. 2-75.2 Funding of the Reserve for Open Space Acquisition.

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one-half (\$.005) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2014. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2015.

2. All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Mayor Sullivan noted that this tax has been lowered over the past few years, and there is currently money in the Open Space Fund. Mayor Sullivan also said that he has spoken with the chairman of the Open Space Committee, who is in agreement that lowering the tax again in 2014 shows good stewardship of public money.

Committeeman Brower moved to introduce Ordinance 2014-04. Committeewoman Abbott seconded the motion.

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

Public Hearing on Ordinance 2014-04 will be scheduled for March 13, 2014.

Consent Agenda

RESOLUTION 2014-049

**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 \$1,127,832.93 and the prior month's payroll of \$417,368.85 Current Fund, \$49,234.40 Sewer No. 1, \$10,959.37 Sewer No. 2, and \$7,957.73 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of February 2014, in the amount of \$2,702,308.11 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the First Quarter of 2014, in the amount of \$2,046,134.16 be paid.

RESOLUTION 2014-050

**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 January 23, 2014.

RESOLUTION 2014-051

**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 January 23, 2014.

RESOLUTION 2014-052

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING A MUNICIPAL
PROSECUTOR AND ALTERNATE MUNICIPAL PROSECUTOR**

WHEREAS, the Township Committee is required to appoint a municipal prosecutor; and

WHEREAS, the Township Committee is required, pursuant to N.J.S.A. 2B:25-4a, to appoint a alternate municipal prosecutors to serve in the absence of the municipal prosecutor;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Matthew Dorsi, Esq., is hereby appointed as municipal prosecutor, and Nicholas Pompelio, Esq., is hereby appointed as alternate municipal prosecutor to serve in the absence of the municipal prosecutor.

RESOLUTION 2014-053

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF
TAXES AND SEWER UTILITY FEES**

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

| <u>BLOCK</u> | <u>LOT</u> | <u>NAME & ADDRESS</u> | <u>AMOUNT</u> |
|---------------------|-------------------|---|--|
| 69 | 51 | Wilson, Todd & Stacey 298 Fairmount Ave Chatham, NJ 07928 | \$3,015.52 Property Tax Overpayment |
| 65.03 | 7.04 | Lazration, Elizabeth 81 Canterbury Road Chatham, NJ 07928 | \$1,827.96 Property Tax Overpayment |

RESOLUTION 2014-054

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX LIEN**

WHEREAS, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

WHEREAS, the Tax Collector has recommended the refund of such tax lien

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refund be made as indicated:

| <u>BLOCK</u> | <u>LOT</u> | <u>LIEN HOLDER</u> | <u>AMOUNT</u> |
|--------------|------------|--|--|
| 65.01 | 1.05 | Park Finance II, LLC PO Box 109 Cedar Knolls, NJ 07927 | \$2,235.07 – Certificate \$500.00 – Premium |
| | | Lien #11-00005 25D Heritage Drive | \$2,735.07 – Total |

**RESOLUTION 2014-055
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING FIRE DEPARTMENT MEMBERSHIPS**

WHEREAS, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and

WHEREAS, members of both departments are eligible for membership in N.J. State Firemen’s Association as provided by applicable law; and

WHEREAS, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

| <u>NAME</u> | <u>FIRE DEPARTMENT</u> |
|-------------------|-------------------------------|
| Carlos Villalobos | Green Village Fire Department |
| Sergio Villalobos | Green Village Fire Department |

**RESOLUTION 2014-056
RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING
\$7,000,000 SEWER UTILITY NO. 1 BONDS, SERIES 2014, OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR
SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE
STATE OF NEW JERSEY PURSUANT TO THE SFY 2014 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, the Township of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project which consists of the Chatham Glen/Tanglewood Sanitary Sewer System Modifications Project (the "Project"), as further defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2014 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Trust Loan Sewer Utility No. 1 Bonds, Series 2014, to the Trust in the aggregate principal amount not to exceed \$1,848,000 (the "Trust Loan Bond") and the Local Unit's Fund Loan Sewer Utility No. 1 Bonds, Series 2014, to the State in an aggregate principal amount not to exceed \$5,152,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering,

and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the Township Committee of the Local Unit (the "Township Committee") as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$1,848,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$5,152,000 to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and described in Bond Ordinance No. 2013-15 of the Local Unit entitled,

"BOND ORDINANCE TO AUTHORIZE THE CHATHAM GLEN/TANGLEWOOD SANITARY SEWER SYSTEM MODIFICATIONS PROJECT IN, BY AND FOR SEWER UTILITY NO. 1 OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$7,000,000 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",

which was finally adopted by the Township Committee at a meeting thereof duly called and held on July 18, 2013, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed twenty years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Township Committee hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-1F. The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1T;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Rogut McCarthy LLC (the "Local Unit's Bond Counsel") is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Township Auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Township Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor and the Chief Financial Officer are severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds and

are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to the Local Unit's Bond Counsel and to Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESOLUTION 2014-057

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF CHATHAM AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE SFY 2014 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Township of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project which consists of the Chatham Glen/Tanglewood Sanitary Sewer System Modifications Project (the "Project"), as further defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2014 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Trust Loan Sewer Utility No. 1 Bonds, Series 2014, to the Trust in the aggregate principal amount not to exceed \$1,848,000 (the "Trust Loan Bond") and the Local Unit's Fund Loan Sewer Utility No. 1 Bonds, Series 2014, to the State in an aggregate principal amount not to exceed \$5,152,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated, other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of that certain Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein;

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the Township Committee of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by the Mayor in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by the Mayor. The Township Clerk is hereby authorized to attest to the execution of the Financing Documents by the Mayor and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Mayor or the Chief Financial Officer (the "Authorized Officers") and the Township Clerk are hereby further severally authorized to (i) execute and deliver, and the Township Clerk is hereby further authorized to attest to such execution and affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Township Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to Rogut McCarthy LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESOLUTION 2014-058
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TOWNSHIP OF MILLBURN AND TOWNSHIP OF LIVINGSTON FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Chatham desires to enter into an Interlocal Services Agreement, copy of which is attached hereto, for animal control services from the Township of Millburn and the Township of Livingston; and

WHEREAS, the Agreement is in full compliance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris and State of New Jersey, that the Township Committee of the Township of Chatham hereby approves the Interlocal Services Agreement with the Township of Millburn and the Township of Livingston for animal control services; and

BE IT FURTHER RESOLVED that this agreement shall be effective as of January 1, 2014 and extend for a period of two years or until such time as the Township notifies the Township of Millburn and the Township of Livingston in writing, 60 days in advance, of the date the Township no longer requires these services; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the attached Agreement; and

BE IT FINALLY RESOLVED that a copy of the Resolution and the Agreement for Interlocal Services be sent to the Township of Millburn and the Township of Livingston for their approval and signature.

This Resolution shall take effect immediately.

RESOLUTION 2014-059
RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AMENDING THE JOINT COMMUNITY GARDEN OF THE CHATHAMS

BE IT RESOLVED, by the Township Committee of the Township of Chatham that the Joint Community Garden of the Chathams shall consist of five (5) voting members from each of the Township of Chatham and the Borough of Chatham.

RESOLUTION 2014-060
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:

| NAME | Project | A/C NUMBER | AMOUNT |
|--|---------------------|-------------------|--|
| Hickory Square Associates Fidelity Management 641 Shunpike Road Chatham, NJ 07928 | EIF 05-48.23-126.04 | 7760011113 | \$7,161.53 Plus any interest due |

RESOLUTION 2014-061
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING EMERGENCY TEMPORARY APPROPRIATIONS FOR 2014

WHEREAS, NJS A 40A:4-20 Local Budget Act provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the

governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of adoption of the budget for said year. The amount of such emergency appropriation shall be included under the correct headings in the budget as adopted, and

WHEREAS, by resolution adopted January 3, 2014 the Governing Body adopted temporary appropriations for 2014, and

WHEREAS, due to an extraordinary number of winter storms the temporary appropriation for Road Repairs and Maintenance has now proven to be inadequate.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, that the following additional temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

| | |
|------------------------------|----------|
| Road Repairs and Maintenance | |
| Salaries and Wages | \$40,000 |
| Other Expense | \$30,000 |

BE IT FURTHER RESOLVED that the total appropriation for Road Repairs and Maintenance to be included in the regular budget shall include the amounts hereby appropriated.

RESOLUTION 2014-062

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING CERTIFICATION OF SMOKE DETECTORS COMPLIANCE INSPECTION FEE

WHEREAS, the Township Committee has considered the request submitted by the Fire Official with regard to the fee that was paid for an inspection for Smoke Detector & Carbon Monoxide Alarm & Portable Fire Extinguisher Compliance that was deemed unnecessary;

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>AMOUNT</u> |
|---|---------------|
| Debbie Woerner 21 Falmouth Road Chatham, NJ 07928 | \$50.00 |

RESOLUTION 2014-063

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE COMMUNITY GARDEN COMMITTEE

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

Community Garden Committee:

- L. Thomas Patterson (2014)

Mayor Sullivan asked Administrator Ciccarone to comment on Resolutions 2014-056 and 2014-057 which pertain to the funding of the Chatham Glen project, as well as Resolution 2014-061 amending the Temporary Budget. Administrator Ciccarone said that Resolution 2014-056 allows for the sale of a bond, and the second authorizes the execution of the agreement when the sale is conducted. He also elaborated on the financing of the Chatham Glen project. The amendment to the Temporary Budget is an add-on to the funds appropriated in January, and the amendment is for the Road Department. The additional appropriation is due to the costs involved in snow removal during this winter.

Committeeman Brower commented that the method for financing for the Chatham Glen project will save the Township money. He also commented that the contract with Millburn for animal control services has resulted in savings to the Township. Administrator Ciccarone said that the Township now pays less than \$1,000 per year since it is a per call fee.

Committeewoman Abbott asked about the candidate for Municipal Prosecutor. Administrator Ciccarone said that the appointee had previously served as a backup.

Committeeman Brower 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

2013 Administrator's Report

Administrator Ciccarone gave a report on the Township's finances. Since 2007, the tax rate has gone up only \$0.01. In 2013, several road projects were performed, and the Chatham Glen sewer project is moving forward. A remediation project at the DPW facility is also continuing. The Township is also still seeking appropriate open space opportunities, as well as examining uses for the current open space inventory. Administrator Ciccarone also commented on various shared service agreements, as well as improvements at the Colony Recreation Center. In 2013, Chief Paton retired, which led to the promotion of Chief Steve Hennelly, as well as Lieutenants Tom Miller and Maureen Kazaba.

2014 Budget

Administrator Ciccarone reported that the 2014 Budget will not face any problems with the levy cap and appropriations cap. He also reported that in 2013, County taxes were \$8.1 Million, school taxes were \$33 Million, municipal taxes were \$8.5 Million, and the library tax was \$987,000. The amount of debt that the Township has is \$41 million, but only \$10.2 million of that is municipal obligation. For surplus, the Township has \$3.8 million as of the end of 2013. Administrator Ciccarone also commented on state aid figures, and the Township is waiting to receive figures from the State. Administrator Ciccarone also discussed the municipal purposes tax rate, as well as the tax rate for the School District of the Chathams. Administrator Ciccarone expects for the final 2014 Budget to be ready for introduction at the next Township Committee meeting. Mayor Sullivan commented that although the Morris County tax rate is remaining flat, the manner in which the tax burden is spread among the municipalities will result in an increase to Chatham Township residents on their county tax levy. Committeeman Brower commented on how little the Township receives in services from the County as compared to how much money the County receives from Chatham Township taxpayers.

Colony Pool Fees

Administrator Ciccarone said that there is a proposal Family Pool & Tennis memberships be increased to \$550 and that Family Pool memberships be increased to \$475. Each proposed fee represents a \$50 increase. Administrator Ciccarone also cited the other fees to be increased, and said that there are still discussions being held as to what the fees would be for yoga classes and guest passes. Once the proposed numbers are finalized, a draft ordinance will be presented to the Township Committee for introduction. Administrator Ciccarone also commented on membership trends over the past several years. A mass mailing will be sent out this year to encourage memberships. Committeeman Brower commented on the benefits of having Colony Pool as an amenity for the Township. Mayor Sullivan cautioned that too much of an increase to the membership fees could lead people to opt not to join. Administrator Ciccarone commented on common reasons why members opt not to renew their Colony memberships.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

There being no public comment, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

**RESOLUTION 2014-P-03
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**

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Potential Acquisition of Property
Personnel Matters – Claim Settlement

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

Mayor Sullivan announced that the Township Committee would be taking formal action following the Executive Session

Committeewoman Abbott moved to pass Resolution 2014-P-03 to enter Executive Session at 8:48 PM. Committeeman Brower 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 from Executive Session at 9:51 PM.

RESOLUTION 2014-064
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF MATTERS INVOLVING SERGEANT EDWARD GIBNEY

WHEREAS, the Township of Chatham has previously filed disciplinary charges against and been served with a Notice of Claim from Sergeant Edward Gibney; and

WHEREAS, the parties have engaged in settlement discussions, and the parties have reached an agreement with respect to settlement of the matters in dispute; and

WHEREAS, the parties have agreed to settle any and all claims made or that could be made by way of this settlement,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the settlement of the charges and claims made are hereby approved and that the Mayor and Township Clerk be and the same are hereby authorized to execute a settlement agreement in a form approved the Township Attorney.

Committeeman Brower moved to pass Resolution 2014-064. Committeewoman Abbott seconded the motion.

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

Committeeman Brower moved to adjourn at 9:54 PM. Deputy Mayor Ritter seconded the motion, which carried unanimously.

Gregory J. LaConte
Township Clerk