

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**MARCH 24, 2016**

Mayor Ritter called the special meeting of the Township Committee of the Township of Chatham to order at 7:33 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 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.

Mayor Ritter led the Flag Salute.

**Roll Call**

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

**Approval of Agenda**

Administrator Ciccarone noted that the draft Fair Share Plan and Housing Element updates should be added as a discussion item.

Deputy Mayor Sullivan moved to approve the agenda as amended. Committeewoman Swartz seconded the motion, and it carried unanimously.

**Moment of Silence**

Mayor Ritter requested a moment of silence in honor of the victims of a recent terrorist attack in Brussels, Belgium, as well as in honor of Officer Matthew Kurtz of Sayreville, NJ.

**Reports**

Committeeman Kelly reported that the Public Works Department have been busy with road maintenance and recreation field preparation. The compost section of the Tanglewood Recycling Center is also opening soon, and DPW is taking orders from residents for compost. DPW has also begun preparation work for a walking trail on an open space property on Hillside Ave.

Committeewoman Swartz reported that JCP&L has contracted with a tree service to trim branches along power lines. She also reported that she has been contacted by a representative from the County about a paving project on Shunpike Road near Green Village Road, and the Township will receive more information about the project as it gets closer. Committeewoman Swartz also reported that the Environmental Commission will be hosting their annual Earth Day Cleanup Event at the Green Village Pond Conservation area on April 23<sup>rd</sup>. She also reported that the Health Department is working on the Drug Free Communities Grant. The Tri-Town 55+ survey has also gone live.

Deputy Mayor Sullivan reported that the Historical Society had a presentation recently about Alexander Hamilton. Their next presentation will be held on April 10<sup>th</sup>.

Mayor Ritter reported that the Township was rated the 3<sup>rd</sup> safest municipality in New Jersey according to backgroundchecks.org. On April 9<sup>th</sup> a suicide prevention seminar will be held at the municipal building for first responders. On September 24<sup>th</sup>, the Township will host an Out of the Darkness walk at Chatham High School. Mayor Ritter also reported that the marketing campaign for Colony Pool memberships will kick off on April 4<sup>th</sup>, and Community Pass has been updated for 2016. He also said that there are several events planned at Colony Pool this year. Mayor Ritter further reported that the Communications Committee is continuing work on website updates.

Engineer Ruschke reported that New Jersey American Water is planning to install a new water main on Southern Boulevard. He said that he raised a concern with NJAW that the section of road where the main will be installed was recently repaved, and he would like them to better communicate their long-term plans. Engineer Ruschke also reported that he and Administrator Ciccarone met with the NJDOT regarding the Safe Routes to School Grant, and they paid to have design work done for the project. The original design ended at the municipal boundary, and the DOT has expressed an interest to fund some improvements to the intersection extending into Chatham Borough. Engineer Ruschke also provided an update on the Wickham Woods drainage project, and the contractor has mobilized. He anticipates that the paving work will be performed in June. Mayor Ritter asked that an ACT Now! alert be sent out prior to paving so that residents are informed. Engineer Ruschke further reported that crack sealing at the Skate Park and the Colony Tennis Courts will soon be done once temperatures are more copacetic to the work being performed.

Committeeman Gallop reported that opening day for the recreation baseball program is April 2<sup>nd</sup>. Signups for Chatham United soccer will begin soon.

Administrator Ciccarone reported that the spring recreation season has begun. He also noted that Colony Pool registration and SBS Summer Camp registration are available, and Colony Tennis registration should soon be available.

### **Hearing of Citizens**

Mayor Ritter opened the Hearing of Citizens.  
Seeing no one coming forward, Mayor Ritter closed the Hearing of Citizens.

### **Public Hearing/Final Adoption of Ordinances**

#### **Ordinance 2016-11**

### **ORDINANCE 2016-11 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING FEES FOR THE SUMMER RECREATION PLAYGROUND PROGRAM**

**BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Section 20-2 of the Township Code is hereby amended to modify the listed fees as follows:

1. Summer Recreation Playground Program: \$150.00 for the season for the first child per family; \$200.00 for two children per family; \$250.00 for three or more children per family.
2. All other fees listed in Section 20-2 shall be repealed.
3. This ordinance shall take effect in accordance with law.

Mayor Ritter opened the Public Hearing on Ordinance 2016-11.  
Seeing none, Mayor Ritter closed the Public Hearing.

Administrator Ciccarone explained that Ordinance 2016-11 amends fees that were set by ordinance in 2006. He said that the fees had already been adjusted prior to the introduction of this ordinance, and he asked that Ordinance 2016-11 be tabled so that a new ordinance can be introduced to increase the fees to an appropriate level.

Deputy Mayor Sullivan moved to table Ordinance 2016-11. Committeewoman Swartz seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

### **Introduction of Ordinances**

**ORDINANCE 2016-12**  
**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,**  
**STATE OF NEW JERSEY, ESTABLISHING FEES FOR THE SUMMER**  
**RECREATION PLAYGROUND PROGRAM**

**BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Section 20-2 of the Township Code is hereby amended to modify the listed fees as follows:

1. Summer Recreation Playground Program: \$200.00 for the season for the first child per family; \$275.00 for two children per family; \$325.00 for three or more children per family.
2. All other fees listed in Section 20-2 shall be repealed.
3. This ordinance shall take effect in accordance with law.

Administrator Ciccarone reviewed the proposed fees with the Township Committee.

Committeeman Gallop moved to introduce Ordinance 2016-12. Committeewoman Swartz seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

Public Hearing on Ordinance 2016-12 will be scheduled for April 7, 2016.

**Public Hearing & Final Adoption of 2016 Municipal Budget**

**RESOLUTION 2016-083**

(See Attached)

Mayor Ritter opened the Public Hearing on the 2016 Municipal Budget. Seeing no one coming forward, Mayor Ritter closed the Public Hearing.

Administrator Ciccarone noted that the Township was subject to State Review on the 2016 Budget, which occurs as part of a three-year cycle. There were some minor adjustments to how certain items were posted in the Budget as directed by the State. The State has authorized the Township to adopt the 2016 Budget. Administrator Ciccarone also noted that there will be some amendments to the Budget once the State sends the Township grant award letters for the Safe Routes to School grant adjustments.

Committeeman Kelly moved to pass Resolution 2016-083 to adopt the 2016 Municipal Budget. Committeewoman Swartz seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

**Consent Agenda**

**RESOLUTION 2016-084**

**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:

Tax Collector – February  
Construction Official – February  
CFO – February  
Police Department – February

**RESOLUTION 2016-085  
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 March 10, 2016.

**RESOLUTION 2016-086  
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 March 10, 2016.

**RESOLUTION 2016-087  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL AUDITING SERVICES WITH NISIVOCIA LLP FOR 2016**

**WHEREAS**, the Township of Chatham has a need to acquire the professional auditing services as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is 1 year; and

**WHEREAS**, Nisivoccia LLP has completed and submitted a proposal pursuant to a Request for Proposals issued by the Township of Chatham; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2016; and

**NOW THEREFORE, BE IT RESOLVED** that the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Nisivoccia LLP, Inc. as described herein; and,

**BE IT FURTHER RESOLVED** that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham.

**RESOLUTION 2016-088  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
REFUNDING ELECTRICAL PERMIT FEE**

**WHEREAS**, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for an electrical permit that was submitted to the Township and overcharged;

**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>
Land Gate Inc 17 Williams Road Chatham, NJ 07928	15-0253	\$600.00

**RESOLUTION 2016-089  
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>

Jeff Morgan 58 Lisa Drive Chatham, NJ 07928	BOA 15-35-15	7763179560	\$511.70
Louis Nowikas 13 Loantaka Lane South Morristown, NJ 07960	BOH 14-139-17	7763179247	\$1,114.00
Santarlas, Brian & Rachel 41 Lisa Drive Chatham, NJ 07928	ROI 14-27-8	7763179510	\$133.33
Mark Van Fossen 26 Loantaka Lane North Morristown, NJ 07960	PLNBD 04-141-2	7200013011	\$30.00

**RESOLUTION 2016-090**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**REFUNDING CONSTRUCTION PERMIT FEE**

**WHEREAS**, the Township Committee has considered the request submitted by the Construction Official with regard to the DCA fee that was paid for a construction permit that was submitted to the Township and was overcharged;

**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>
Avanro Group LLC 11 Sterling Ave Mendham, NJ 07945	16-0036	\$9.00
Associate Fireplace 331 Springfield Ave Summit, NJ 07901	16-0040	\$14.00
Aldo Arpaia 614 Fairmount Ave Chatham, NJ 07928	16-0047	\$5.00
Ken Shutte 6G Heritage Drive Chatham, NJ 07928	16-0052	\$31.00
Edward Clark 362 Route 206 Flanders, NJ 07836	16-0091	\$9.00
Pinny Kellener 35 Schunemunk Road Monroe, NY 10950	16-0136	\$85.00
Facility Solutions 224 Washington Street Perth Amboy, NJ 08861	16-0149	\$518.00
Green Village Garage 525 Green Vilalge Road Green Village, NJ 07935	16-0164	\$112.00
Garvin 24 Nicholson Drive Chatham, NJ 07928	16-0170	\$36.00

Aqua Doctor  
23 Merry Lane  
Chatham, NJ 07928

16-0207

\$9.00

**RESOLUTION 2016-091**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPROVING SEWER CONNECTION FOR 511 SHUNPIKE ROAD**

**WHEREAS**, the Township Engineer has certified that all applications requirements for 511 Shunpike Road, Block 128, Lot 14.02 including the payment of the administrative review fee have been met and that sewer capacity is available; and

**WHEREAS**, in a memo dated March 23, 2016 the Township Engineer outlined various conditions for the approval of a sewer connection for 511 Shunpike Road, Block 128, Lot 14.02;

**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 511 Shunpike Road, Block 128, Lot 14.02 subject to the conditions set forth by the Township Engineer.

Administrator Ciccarone noted that Nisivoccia LLP had only been retained for the 2015 Audit, and the resolution on this Consent Agenda appoints them for the 2016 Audit. The rate has remained the same for 2016. Mayor Ritter asked if the Auditor will be making a presentation to the Township Committee for the 2015 Audit. Administrator Ciccarone said that there will be an exit conference with the Finance Committee.

Committeeman Gallop moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

**Discussion**

**Housing Element and Fair Share Plan**

Attorney Cruz said that as part of a pending declaratory judgment action, the Superior Court has required the Township to submit a draft Housing Element and Fair Share Plan by April 4, 2016. The Planning Board has reviewed and endorsed the draft plan, and it will be submitted to the Superior Court if a consensus is reached by the Township Committee to authorize the submission. Attorney Cruz said that he anticipates the Court will schedule a hearing on the draft plan, and if the Court approves the plan, the Township Committee will be expected to formally endorse the plan.

Administrator Ciccarone reviewed the draft Housing Element and Fair Share Plan with the Township Committee. He also reiterated that if the Court approves the draft, then the Planning Board and Township Committee will both be expected to formally adopt the Housing Element and Fair Share Plan.

Attorney Cruz explained that the adoption of the Housing Element and Fair Share Plan is an amendment to the Master Plan. The formal process requires a public hearing before the Planning Board. The Township Committee would then endorse the amendment if it is adopted by the Planning Board. He also explained that the Court will need to make a final determination of the Township's affordable housing obligation.

Committeeman Kelly asked if the Township is covered by the group agreement with Econsult if the draft is submitted in its present form. Attorney Cruz explained that Econsult will serve as the primary expert for the basic report and supplements, and the Township could enter into a separate agreement with Econsult to serve as an expert witness. The Township Planner would present the analysis for the adjustment to the obligation due to the geo-coding error in the original report. Administrator Ciccarone noted that the geo-coding error was in Census data, and was not Econsult's error.

Committeewoman Swartz asked about the timeline of the process and what the next steps will be. Attorney Cruz said that the timeline will be based on how the Court chooses to proceed. He also said that different vicinages are dealing with the matter slightly differently.

Committeeman Gallop moved to authorize Attorney Cruz to submit the draft Housing Element and Fair Share Plan to the Superior Court for review. Committeeman Kelly seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

### **Hearing of Citizens**

Mayor Ritter opened the Hearing of Citizens.

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

### **Executive Session**

**RESOLUTION 2016-P-06  
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
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.

Committeewoman Swartz moved to pass Resolution 2016-P-06 to enter Executive Session at 8:38 PM. Committeeman Gallop seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Sullivan, Aye; Mayor Ritter, Aye.

The Township Committee returned from Executive Session at 9:13 PM.

Committeewoman Swartz moved to adjourn at 9:13 PM. Mayor Ritter seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Township Clerk