

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
OCTOBER 27, 2016**

Mayor Ritter called the regular meeting of the Township Committee of the Township of Chatham to order at 7:30 PM.

The Chatham Township Volunteer Fire Department led the Flag Salute.

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.

Roll Call

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

Approval of Agenda

Committeeman Kelly moved to approve the agenda. Committeewoman Swartz seconded the motion, and it carried unanimously.

Reports

Committeeman Kelly reported that the Open Space Committee had a dedication ceremony for the Hillside Avenue Trails.

Committeeman Gallop reported that the Pilgrim Pipeline Committee has drafted two model letters to be sent by member municipalities to towns that have not yet joined the group and to state legislators expressing opposition to the pipeline project.

Committeewoman Swartz reported that the Senior Center will be hosting their shred event at Lafayette Avenue School's parking lot on October 29th. The Public Works Department has been busy with leaf removal in public areas. Crosswalks have been repainted, and recreation facilities are being winterized. Committeewoman Swartz also noted DPW's participation in volunteer projects in the Township. She also said that a cupola is being installed at the Red Brick Schoolhouse, and DPW also replaced a pipe at the Chatham Emergency Squad.

Deputy Mayor Sullivan reported that the Historical Society hosted a presentation on castles in New Jersey. The next program will be held on November 13th. He also noted the installation of the new cupola at the Red Brick Schoolhouse. The Library of the Chathams is continuing to work on their capital improvement program, and there will be a presentation at the next Township Committee meeting. Deputy Mayor Sullivan also reported that the Morris County Freeholders also recently had a meeting at the Great Swamp Outdoor Education Center.

Mayor Ritter reported that the recent presentation on domestic violence awareness was successful, and the video has been posted on the Township website. A redesigned Township website is expected to go live soon. The Chatham Education Foundation will be holding their trivia night soon. Registrations are being accepted for the Chatham Turkey Trot.

Engineer Ruschke reported that the DOT has lifted the stop work order on grants issued under the Transportation Trust Fund, and the Township can proceed with the Woodland Sidewalk Project. He suggested going to bid in January so as to receive bids that are more competitive. The contractor performing the Colony Pool Wall Replacement and the Wickham Woods Phase II Drainage Improvements had a delay in mobilization, but work should be commencing soon.

Chief Hennelly reported that the PBA will be hosting a trunk-or-treat on October 29th from 10:00 AM to 12:00 PM at Chatham High School. October 30th is "Mischief Night," and Chief Hennelly asked parents to keep their children home. Chief Hennelly also provided an update on

upcoming road projects. Shunpike Road improvements will begin on October 28th, and the Police Department has asked the County to wait until a project on New Vernon Road is finished before they begin work on Green Village Road. Southern Boulevard will also be repaved soon. Chief Hennelly further reported that the recent prescription drug take back program saw 90 pounds turned in. Mayor Ritter asked for Everbridge notices to be sent out regarding the road construction projects.

Administrator Ciccarone reported on the Best Practices Checklist. He said that the number of questions has been reduced from 50 questions to 30 questions, and the Township's score is 29/30 or 97%. The one question to which the Township answered "no" is if collective bargaining agreements have been modified to eliminate sick leave cash outs after a certain date. While this has not been successfully negotiated with the PBA or Teamsters contract, it remains an item of negotiation. Deputy Mayor Sullivan noted that the checklist no longer includes the question about requirements for elected officials to attend classes.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. George Stafford, 16 Kitchell Avenue in Wharton, NJ, spoke representing the NJ Highlands Coalition. He said that the Highlands Council sent a request to the State Legislature to create a water tax to be used to compensate those property owners who claim real estate losses due to the Highlands Water Protection and Planning Act. Mr. Stafford asked the Township Committee to consider passing a resolution to support the Highlands Water Protection and Planning Act. He also asked for a resolution encouraging the State and the DEP to publish an updated water master plan.

Seeing no further members of the public coming forward, Mayor Ritter closed the Hearing of Citizens.

Introduction of Ordinances

Ordinance 2016-19

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.

Committeewoman Swartz moved to introduce Ordinance 2016-19. Deputy Mayor Sullivan 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 2016-19 will be scheduled for December 1, 2016.

Consent Agenda

**RESOLUTION 2016-201
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 – August
- Construction Official – August
- Chief Financial Officer – September
- Police Department – September
- Fire Official – July, August, September
- Registrar of Vital Statistics – 3rd Quarter
- Dog Licenses – 3rd Quarter
- State Training Fees – 3rd Quarter

**RESOLUTION 2016-202
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on October 13, 2016.

**RESOLUTION 2016-203
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on October 13, 2016.

**RESOLUTION 2016-204
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING OVERPAYMENT OF TAXES**

WHEREAS, an overpayment of property taxes 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	25.03	Charles & Brooke McCaghey 10 Cobblestone Court Chatham, NJ 07928	\$6,900.68 3 rd quarter 2016 Overpayment of taxes

RESOLUTION 2016-205

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING A THREE YEAR CONTRACT WITH COPPOLA SERVICES OF RINGWOOD, NEW JERSEY FOR THE TRANSPORTATION OF WET SEWAGE SLUDGE

WHEREAS, the Township advertised for bids for the hauling of wet sludge on September 14, 2016 with the bid opening scheduled for October 20, 2016 at 10:00 am; and

WHEREAS, the bid specifications requested bids for a three year period commencing December 1, 2016 through November 30, 2019, with one (1) year options for each of the two succeeding years; and

WHEREAS, at said date and time three bids were received: Accurate Waste, \$0.04 per gallon for the initial three years, with \$.0415 per gallon for the fourth year and \$.0425 for the fifth year; R & D Trucking, \$0.039 per gallon for the initial three years, with \$.039 per gallon for the fourth year and \$.0395 for the fifth year; Russell Reid Company, \$0.0516 per gallon for the initial three years, with \$.0516 per gallon for the fourth year and \$.0516 for the fifth year; and Coppola Services, \$0.0385 per gallon for the initial three years, with \$0.0399 per gallon for the fourth year and \$0.0399 for the fifth year; and

WHEREAS, the lowest bid was submitted by Coppola Services and meets all required conditions and contract specifications; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this contract in the operating 2016 budget and will be available subject to the adoption of the 2017, 2018, 2019, 2020 and 2021 budgets;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Coppola Services of Ringwood, New Jersey for the removal of wet sewage sludge at a cost of \$0.0385 per gallon for the period December 1, 2016 through November 30, 2019, \$0.0399 per gallon for the period December 1, 2019 through November 30, 2020, and \$0.0399 per gallon for the period December 1, 2020 through November 30, 2021.

RESOLUTION 2016-206

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 750 RIVER ROAD

WHEREAS, the Township Engineer has certified that all applications requirements for 750 River Road, Block 39, Lot 78 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated October 24, 2016 the Township Engineer outlined various conditions for the approval of a sewer connection for 750 River Road, Block 39, Lot 78;

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 750 River Road, Block 39, Lot 78 subject to the conditions set forth by the Township Engineer.

Deputy Mayor Sullivan 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.

Hearing of Citizens

Mayor Ritter opened the Hearing of Citizens.

1. Stewart Carr, 3 Crestwood Drive, asked about disposal of household batteries. He said that the Morris County MUA no longer accepts batteries as hazardous waste, and asked if Administrator Ciccarone could investigate if the change in designation is more for expediency. Mr. Carr said that he does not believe that it is a good idea for batteries to be disposed of in regular household trash, and may still have some toxicity. Administrator Ciccarone said that he will see what he can find out. Mr. Carr addressed the open space

tax, and noted that the voters in the Township approved a \$0.02 per \$100 assessed value tax. He said that because voters approved the tax, it should remain at that rate or only lowered if a further referendum is held. Administrator Ciccarone said that the question on the open space tax is revisited every year during budget discussions, and it automatically reverts to \$0.02 per \$100 assessed value unless the Township Committee takes further action. Mr. Carr opined that the tax should not be lowered, as evidenced by the public support for the tax when it was voted upon. Mr. Carr also addressed the proposal for development of the Dixiedale Farm and the proposed development of affordable housing at the Skate Park. He spoke in favor of preserving the area as open space. Mr. Carr also suggested reconfiguring existing housing stock as affordable housing rather than having an expansion in the overall amount of housing in the Township.

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

Executive Session

**RESOLUTION 2016-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. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Property acquisition or investment options: Open Space
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeeman Kelly moved to pass Resolution 2016-P-16 to enter Executive Session at 8:11 PM. Committeewoman Swartz 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 to public session, and Committeeman Kelly moved to adjourn at 8:40 PM. Committeewoman Swartz seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk