

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

July 19, 2018
July 17, 2018 Draft

Meeting Called to Order

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

Flag Salute

Roll call

Approval of Agenda

Reports:

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Public Hearing/Final Adoption of Ordinances

1. Ordinance 2018-17 Bond Ordinance for WPC Improvements

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2018-122 Payment of Bills
2. Resolution 2018-123 Receipt of Reports
3. Resolution 2018-124 Approving Meeting Minutes
4. Resolution 2018-125 Regarding Bond Anticipation Note Sale
5. Resolution 2018-126 Interlocal Agreement with PVSC for Disposal of Wet Sludge
6. Resolution 2018-127 Releasing Escrow Balances
7. Resolution 2018-128 Refunding Instructional Tennis Clinic Fee
8. Resolution 2018-129 Refunding Colony Swim Lesson Fee
9. Resolution 2018-130 Refunding Overpayment of Sewer Use Fee
10. Resolution 2018-131 Renewal of Liquor License

Discussion: possible ordinance or resolution

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2018-P-08

1. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
2. Litigation: Fair Share Housing Center v. Township of Chatham
Docket No. MRS-L-000234-18

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

ORDINANCE 2018-17

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to undertake the following public improvements in, by and for the Sewer Utility of the Township: (A) upgrading of electrical systems at the Northside and Southside Sanitary Sewer Pump Stations; and (B) removal of underground storage tanks and installation of above-ground storage tanks at the Water Pollution Control Plant. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$550,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$550,000, and (4) \$27,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$523,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$27,000, appropriated for down payments on capital improvements or for the capital improvement fund in Sewer Utility budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$27,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the

Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$523,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$523,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: June 21, 2018

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

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2018-123

**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:

Construction Official – June
Police Department – June
State Training Fees – 2nd Quarter
Registrar of Vital Statistics - 2nd Quarter
Dog Licensing Official - 2nd Quarter

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-124

**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 June 21, 2018.

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-125

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF CHATHAM AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE

WHEREAS, the Township of Chatham, in the County of Morris, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue \$11,014,222 of Notes consisting of \$9,908,222 General Bond Anticipation Notes and \$1,106,000 Sewer Utility Bond Anticipation Notes, both issues dated July 11, 2018 and payable May 1, 2019 (collectively, the "Notes");

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. This resolution shall take effect immediately upon its adoption.

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-126

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTER-LOCAL AGREEMENT WITH THE PASSAIC VALLEY SEWERAGE COMMISSION FOR THE DISPOSAL OF WET SLUDGE.

WHEREAS, the Township Committee of the Township of Chatham adopted Ordinance 2002-011 on September 12, 2002, approving an inter-local agreement between the Township of Chatham and the Passaic Valley Sewerage Commission for the treatment and disposal of wet sludge generated by the Township’s sewer treatment plants, known as the Tanglewood Plant and the Chatham Glen Plant, and

WHEREAS, the Agreement(s) entered into had a term of five (5) years, expiring December 31, 2007, which was renewed for an additional five (5) year term expiring December 31, 2012; and

WHEREAS, the Agreement(s) were further renewed in August 2013 for an additional five (5) year term expiring August 19, 2018; and

WHEREAS, the Township of Chatham wishes to renew the Agreement(s) for another five (5) year term.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute said Agreement(s).

Adopted: July 19, 2018

Attest:

Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-127

**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>
Hofmann Design Build Inc 365 South Street, Suite 101 Morristown, NJ 07960	BOA 17-62.01-56 20 Buxton Road	7764128574	\$120.00
Calusa Partners LLC 89 Sunset Drive Chatham, NJ 07928	RO 2017-26 1 Linden Lane	7764128459	\$466.67
Essex & Morris Contracting 12 Candace Way East Hanover, NJ 07936	RO 2017-38	7764128524	\$777.78
Parlapiano Builders c/o Peter Parlapiano 490 River Road Chatham, NJ 07928	BOH 08-62-70	7760011249	\$383.59
Hofmann Design Build Inc 365 South Street, Suite 101 Morristown, NJ 07960	BOA 16-115-18	7763180088	\$138.00

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-128

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING INSTRUCTIONAL TENNIS CLINIC FEE**

WHEREAS, registration fees were paid for an Instructional Tennis Clinic; and

WHEREAS, the Instructional Tennis Clinic has been canceled; and

WHEREAS, the CFO has requested that the registration fees be refunded.

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

<u>FAMILY NAME</u>	<u>AMOUNT</u>
Angelis (454059)	\$250.00
Rigal (226626)	\$250.00
Kelly (28066)	\$150.00
Burgo (672709)	\$150.00
Gurando (173077)	\$150.00
Klepper (231803)	\$150.00
Loatman (550815)	\$250.00
Uhler (338314)	\$150.00
Roesch (785826)	\$150.00
Cerverizzo (37939)	\$250.00

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-129

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING COLONY SWIM LESSON FEE**

WHEREAS, registration fees were paid for swimming lessons at Colony Pool; and

WHEREAS, the registrants are unable to participate in the program; and

WHEREAS, a refund of the registration fee has been requested;

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

<u>NAME</u>	<u>AMOUNT</u>
Meredith Hamilton 143 Watchung Ave Chatham, NJ 07928	\$150.00

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-130

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

WHEREAS, an overpayment of property sewer 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>
32	36	M. E. Hatfield & D.W. Gingerich 43 Ormont Road Chatham, NJ 07928 Account #262-0	\$175.00 (1 st QTR 2018) <u>\$175.00 (2nd QTR 2018)</u> \$350.00 Total Overpayment of Sewer Fees

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

RESOLUTION 2018-131

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2018

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2018 has been made by N and M Chatham Inc., trading as the Hickory Wine Cellar;

WHEREAS, the applicant has complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2018, as follows:

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-008).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution adopted by the Township Committee of the Township of Chatham at a regular meeting held on July 19, 2018.

Date Issued: _____

Township Clerk

RESOLUTION 2018-P-08

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF 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. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: July 19, 2018

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Karen M. Swartz, Deputy Mayor