

CHESTER TOWNSHIP COUNCIL
February 3, 2015

A Regular Meeting of the Township Council of The Township of Chester was held on February 3, 2015 at 7:30 P.M. at the Municipal Building located at 1 Parker Road.

Notice of this meeting of the Township Council of the Township of Chester was given to the Observer Tribune, Daily Record, and Star Ledger on January 7, 2015 and was posted on the Bulletin Board, Council Chambers, Chester Township Municipal Building.

Members present: William Cogger
 Karen Powell
 Matt Kass
 Dan O'Donnell
 Jacki Spinelli

Also Present: John Suminski, Esq.

MINUTES

Motion made by Ms. Powell, seconded by Mr. Kass, to accept the minutes of the January 20, 2015 Council Meeting.

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

BILLS

Motion made by Mr. Kass, seconded by Mr. O'Donnell, approving the bill list previously audited by the Finance Committee.

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

REPORTS

Motion made by Mr. Kass, seconded by Mr. O'Donnell to accept the reports from the Department of Public Works and place them on file.

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

CORRESPONDENCE

- Request to waive property tax interest
- Morris County Historic Preservation Trust Fund Review Board Appointment of Regions I Representative

Invitations

- 19th Annual NJ Land Conservation Rally on March 6, 2015
- Morris & Essex County Complete Streets Implementation Training Workshop on February 18, 2015

Notices

- NJ American Water Petition to Change Levels of Its Purchased Water Adjustment Clause
- NJ Transit Disparity Study registration now open

Resolutions/Ordinances from Other Towns

- ❑ Mendham Township - Adoption of Amendment to Land Use Ordinance Creating a Reuse of Existing Buildings Overlay District
- ❑ Randolph Township - Introduction of Lot Grading Permit Ordinance
- ❑ Borough of Tinton Falls - Resolution Supporting, Recognizing and Honoring the Service of Law Enforcement Officers
- ❑ Chester Borough - Public hearing for setback variances for swimming pool and shed

Motion made by Mr. O'Donnell, seconded by Mrs. Spinelli to authorize the waiving of property tax interest due for Block 7, Lot 18.04 in the amount of \$31.89.

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

RESOLUTION

Resolution 2015-22 offered by Mr. Kass:

Authorizing Issuance of Not Exceeding \$5,412,000 Bond Anticipation Notes

RESOLUTION 2015-22

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,412,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF CHESTER, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CHESTER, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Township of Chester, in the County of Morris (herein called "local unit") entitled: "Bond ordinance appropriating \$2,000,000, and authorizing the issuance of \$1,904,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Chester, in the County of Morris, New Jersey", finally adopted on May 15, 2007 (#2007-14), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,122,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,150,000, and authorizing the issuance of \$950,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Chester, in the County of Morris, New Jersey", finally adopted on June 3, 2009 (#2009-19, which amended #2009-8), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$269,200 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of an aerial fire truck by the Township of Chester, in the County of Morris, New Jersey, appropriating \$200,000 therefor and authorizing the issuance of \$190,000 bonds or notes of the Township for financing such appropriation", finally adopted on July 20, 2010 (#2010-11), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$119,800 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$65,000, and authorizing the issuance of \$61,800 bonds or notes of the Township, for the acquisition of equipment for use by the Police Department of the Township of Chester, in the County of Morris, New Jersey", finally adopted on July 20, 2010 (#2010-12), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$43,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of an ambulance by the Township of Chester, in the County of Morris, New Jersey, appropriating \$200,000 therefor and authorizing the issuance of \$116,000 bonds or notes of the Township for financing such appropriation", finally adopted on February 15, 2011 (#2011-1), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$116,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$3,350,000, and authorizing the issuance of \$3,190,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Chester, in the County of Morris, New Jersey", finally adopted on June 6, 2012 (#2012-8), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,190,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of a rescue fire truck by the Township of Chester, in the County of Morris, New Jersey, appropriating \$580,000 therefor and authorizing the issuance of \$552,000 bonds or notes of the Township for financing such appropriation", finally adopted on October 7, 2014 (#2014-11), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$552,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove described in Sections 1 to 7, inclusive, shall be combined into a single and combined issue of bonds in the principal amount of \$5,412,000.

The following matters in connection with said Bond Anticipation Notes are hereby determined: (a) all notes issued hereunder shall mature at such times as may be determined by the chief financial officer or acting chief financial officer (the "chief financial officer") of the local unit, provided that no note issued pursuant to Sections 1 to 7, inclusive, hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes; (b) all notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and (c) the notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes shall be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Township officials and professionals with regard to the sale and award of said notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

Motion: Kass Second: Powell

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

POLICE

Resolution 2015-23 offered by Ms. Powell:

Appointment of Officer in Charge and Custodian of Police Department Records

RESOLUTION 2015-23

TOWNSHIP OF CHESTER

Appointment of Officer in Charge and Custodian of Police Department Records

WHEREAS, on December 30, 2014, the Chester Township Chief of Police, Wayne A. Martini, submitted a letter to the Township announcing his intention to retire as the Chief effective April 1, 2015; and

WHEREAS, the Mayor and Council at a regularly scheduled public meeting held on January 6, 2015, passed a motion, duly seconded and adopted, accepting the resignation with regret of Chief Martini; and

WHEREAS, Chief Martini has advised that his last day in the office will be February 20, 2015.

NOW, THEREFORE, BE IT RESOLVED that Lt. Thomas Williver be appointed Officer in Charge effective 4:00 p.m. February 20, 2015.

BE IT FURTHER RESOLVED that Lt. Thomas Williver be appointed Custodian of Records for all records of the Township Police Department effective 4:00 p.m. February 20, 2015.

Motion: Powell Second: O'Donnell

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

ORDINANCE PUBLIC HEARING

Ordinance 2014-15, An Ordinance Amending the Code of the Township of Chester, Chapter 161, Section 10, as to Stopping or Standing Prohibited on Certain Streets

ORDINANCE 2014- 15

An Ordinance Amending the Code of the Township of Chester, Chapter 161, Section 10, as to Stopping or Standing Prohibited on Certain Streets

WHEREAS, pursuant to N.J.S.A. 39:4-8b(1) and c, a municipality with jurisdiction over municipal streets may, without the approval of the Commissioner of Transportation, adopt by ordinance prohibitions or restrictions on general parking on streets under the jurisdiction of a municipality; and

WHEREAS, Chester Township is a New Jersey incorporated municipality; and

WHEREAS, all the streets listed in this amended §161-10 of the Code of Chester Township are under the jurisdiction of Chester Township; and

WHEREAS, by the written November 5, 2014, recommendations of the Chester Township Chief of Police, certain revisions and additions were made as to Traffic Control Devices relating to the municipal streets named herein as to parking and standing restrictions; and

WHEREAS, the recommendations of the Chief of Police are based on the October 15, 2014, assessment of the Chester Township Traffic Control Officer and also based on safety and the expedition of traffic on municipal roads; and

WHEREAS, the assessment determined that certain “No Stopping or Standing” zones be posted due to traffic volume, roadway characteristics, sight distance, and other safety concerns; and

WHEREAS, the Traffic Control Officer in his assessment determined that some of the existing “No Stopping or Standing” signs were either missing or needed to be replaced due to fading; and

WHEREAS, the Chief of Police and the Traffic Control Officer have recommended that §161-10 be amended as to revisions and additions to the existing §161-10 list of municipal streets prohibiting the stopping or standing of vehicles or any portion of a vehicle being stopped or standing on a specified section of a municipal roadway.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that Chapter 161, Section 10, of the Municipal Code be amended to read as follows: Section 1. Section §161-10 is deleted in its entirety and replaced with the following new Section 161-10.

Section 1. Title: §161-10 Stopping or Standing prohibited.

Section 2. §161-10 Stopping or Standing prohibited on certain streets.

CHESTER TOWNSHIP COUNCIL
February 3, 2015

- a. No person shall stop or stand vehicles, or any portion of a vehicle, at any time upon any of the following sections or portions of municipal streets:

| <u>Name of Street</u> | <u>Sides</u> | <u>Location</u> |
|---------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------|
| Black River Field Road | Both | Cul-de-Sac at end of road |
| Chesterfield Drive | Both | For a distance of 600 feet from Rte 24 North |
| Chubb Park Road | Both | From Route 24 to rear parking lot Except in designated parking areas |
| County Route 513 (North Road) | Both | From Chester Borough line to Randolph Township line |
| County Route 510/513 (Route 24) | Both | For a distance 2,200 feet west from the Chester Borough line |
| County Route 510/513 (Route 24) | North | From Twinbrooks Trail to Chester Borough line |
| County Route 510/513 (Route 24) | South | For a distance of 510 feet from Old Mill Road |
| County Route 510/513 (Route 24) | Both | For a distance of 250 feet in both directions from Chesterbrook Road |
| County Route 510/513 (Route 24) | North | From Benjamin Road east for a distance of 520 feet |
| Daly Road | Both | From Route 206 to Bedminster Township line |
| Four Bridges Road | Both | From Rte 206 Tannersbrook Road to Washington Twp Line |
| Furnace Road | Both North | From Oakdale Road to Hillside Road, both sides 900 ft. west of Rte 206 to Tannersbrook Road |
| Hacklebarney Road | Both | From State Park Road to intersection with Pottersville Road |
| Hillside Road | Both | From the Chester Borough line to Rte 206 |
| Ironia Road | Both | From Randolph Township Line to Pleasant Hill Road |
| Lamerson Road | Both | Entire length from Rte 206 to Pottersville Road |
| Longview Road | Both | From Pottersville Road to the Bedminster Township line |
| Oakdale Road | Both | From the Chester Borough line to Hillside Road |
| Old Chester Road | Both | From Rte 206 to the Peapack-Gladstone line |
| Pleasant Hill Road | Both | From the Chester Borough line to the |

| | | |
|------------------------|------------------|------------------------------------------------------|
| | | Roxbury Township line |
| Pottersville Road | Both | From Hacklebarney Road to Longview Road |
| Reger Road | Both | From Pleasant Hill Road to the Roxbury Township line |
| Rogers Road | Both | From Rte 206 to Old Chester Road |
| Selma Boulevard | North | From Ironia Road to Randolph Township line |
| South Road | South | From North Road to Laurel Place |
| State Park Road | Both | From Rte 24 to the Washington Township line |
| Tannersbrook Road | East | For a distance 1,390 feet north of Furnace Road |

Section 3.

The Superintendent of the Chester Township Department of Public Works, and/or his designees, is hereby authorized to post "No Stopping or Standing" signs in the locations on the aforesaid municipal streets in a manner, type and location **as designated by the traffic officer and** as permitted by law. The Superintendent is also authorized to replace any existing signs that are missing or are fading.

Section 4.

Any provisions of any ordinance of the Township of Chester which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6. Effective Date.

This ordinance shall take effect immediately upon passage and publication as required by law.

Motion made by Ms. Powell, seconded by Mr. Kass to waive the public hearing of Ordinance 2014-15, and re-introduce Ordinance 2014-15 with the proposed changes submitted on February 2, 2015.

Lt. Williver reviewed the proposed changes to the Ordinance. Mayor and Council discussed the changes.

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

The public hearing for Ordinance 2014-15 will be held March 17, 2015.

RAFFLE LICENSE APPLICATIONS

A Raffle License Application was received from the Chester Parent Teacher Organization for a 50/50 raffle to be held on April 18, 2015 at 300 Old Chester Road, Chester.

CHESTER TOWNSHIP COUNCIL

February 3, 2015

Page 3

A Raffle License Application was received from the Chester Parent Teacher Organization for a merchandise raffle to be held on April 18, 2015 at 300 Old Chester Road, Chester.

Motion to approve applications listed above: O'Donnell Second: Kass

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

COMBE FILL SOUTH LITIGATION

Attorney Suminski advised that the Township was recently subpoenaed by an attorney representing two plaintiffs in the Combe Fill South Litigation. These plaintiffs are not in agreement with the settlement amounts they have been assigned to pay, and have subpoenaed municipalities that were plaintiffs in this litigation. The documents demanded are in the possession of Coffey & Associates, who represented the Township in the litigation. For a flat fee of \$1500 Attorney Greg Coffey will compile the documents on the Township's behalf, prepare a certification detailing the Township's waste disposal at Come Fill South Landfill, handle communications with the Counsel, and submit the documents. If a deposition is required, it will be billed on an hourly basis.

Motion to hire Coffey & Associates in limited role as special counsel to represent the Township in this matter: Powell Second: Spinelli

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

PUBLIC COMMENT

None.

CLOSED SESSION

Resolution 2015-24 offered by Ms. Powell:

Closed Session
Ongoing Litigation
Potential Litigation
Contract Negotiation - Public Works

**RESOLUTION 2015-24
TOWNSHIP OF CHESTER
CLOSED SESSION**

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, The Township Council of the Township of Chester is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss matters relating to:

Ongoing Litigation
Potential Litigation
Contract Negotiation - Public Works

CHESTER TOWNSHIP COUNCIL
February 3, 2015

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Chester that the public be excluded from this meeting.

Motion: Powell Second: Kass

YEAS: Spinelli, O'Donnell, Kass, Powell, Cogger NAYS: None

The meeting was returned to open session. With no further public business, Mayor Cogger adjourned the meeting at 9:15 PM.

Respectfully submitted,

Robin Collins
Township Clerk/Administrator