

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
APRIL 8, 2004**

Mayor Hoag called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:32 p.m.

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 9, 2004; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9, 2004; and notice was filed with the Township Clerk on January 9, 2004.

Mayor Hoag led the flag salute.

Approval of Agenda

The Committee requested that following two items be added under discussion:

1. Conceptual review for development applications
2. Request from Sycamore Custom Living

Committeewoman Fair moved approval of the agenda as amended. Deputy Mayor O'Connor seconded the motion and it carried unanimously.

Answering present to the roll call were Committeeman Brower, Committeewoman Fair, Deputy Mayor O'Connor, and Mayor Hoag. Committeeman DeMeo was absent.

Reports

Recreation Department- Recreation Director Tom Denning provided a report on the status of the Recreation Department and key issues ongoing with Recreation and Colony Pool. Mr. Denning reviewed with the Committee the fall and winter programming and the number of teams and number of children participating in each program. Mr. Denning noted that every one of the fall programs with the exception of soccer has just about doubled in the last 6 years. Mr. Denning also mentioned the different activities the Recreation Department supports either financially or through use of the fields or buildings. The Recreation Department supports the Senior Center of the Chatham's fitness and basketball programs and the Senior Center transportation program. Other programs that are supported are the Chatham Township Senior Citizen Club recreation trips, the Community Band, the Chatham Wrestling Club and Chatham United Soccer Program. Mr. Denning advised that each participant of the Chatham United program is assessed a \$5 participant fee that goes into a dedicated fund used for a field maintenance program. Mr. Denning also informed the Committee about the spring and summer recreation programs that would be offered. Committeeman Brower inquired whether a camp activity could be part of Colony membership. Mr. Denning explained the summer recreation camp program has no affiliation with Colony Pool although it held at the Colony Club House. Mr. Denning advised the second types of camps offered are the sports camps and they have nothing to do with Colony. Committeeman Brower suggested the summer camp activity could possibly be integrated into a Colony membership as an incentive to join Colony. Mr. Denning said he could discuss this with Administrator Ciccarone. Deputy Mayor O'Connor thought a summary to the newspaper would be helpful for the public. In response to questions, Mr. Denning advised the Colony brochure is part of the operating expenses, and the secretary is part of the personnel costs. Mr. Denning also recognized the efforts of all the volunteers who help with the Recreation Program and the work done by the Public Works Department. Committeeman Brower also inquired if any studies have been done concerning the cost of converting grass fields into artificial turf. Mr. Denning advised the engineering firm is working on a cost benefit analysis at Woodland Park. Administrator Ciccarone agreed the number of fields is limited and getting more use out of existing fields is a goal.

Volunteer Recognition Day- Mayor Hoag reported the town is planning to hold a Volunteer Recognition Day for the volunteers and families of all boards, fire departments and the Emergency Squad at Colony Pool this year on Saturday, September 11, 2004 or rain date September 12, 2004. The Township hopes to have the grill open and hold organized sports and games. Mayor Hoag asked Mr. Denning to consider the need for lifeguards at this event as he

schedules the lifeguards for the season. Committeeman Brower also suggested a segment of recognition for the children that have helped supervise the summer activities.

Administrator Ciccarone announced Public Works Manager Joe Smith is celebrating his 30-year anniversary with the Township.

River Road/Johnson Drive/Mountain Ave./Candace Lane Sewer Project Meeting- Administrator Ciccarone advised a second meeting was held last night and that between the two meetings, all of the homeowners have attended. There has been an overwhelming support for the project with only a couple of people opposed to it. The Administrator Ciccarone advised the next step would be to put together a bond ordinance for the project to go forward. The total cost is just over a million dollars and works out to be about \$25,000 per home. Administrator Ciccarone explained the financing would be handled similar to the last sewer project and a special assessment would be placed on each property. A bond ordinance will be prepared for the next meeting.

JCP&L Power Outages- Administrator Ciccarone reported that Mayor DeMeo had initiated contacts last year with Jersey Central Power and Light concerning the significant number of power outages in the Candace Lane section of town. Administrator Ciccarone read through the list that JCP&L had committed to do. The Administrator advised JCP&L had sent a status report advising they had completed the items on the list and the overall tree trimming would take place before the end of the year. Administrator Ciccarone noted they had reported that almost all the power outages in this area were due to wire contact with tree limbs.

Mayor Hoag asked to move the hearing on the appeal as the next item on the agenda. The Committee agreed.

Hearing on Appeal of Tree Protection Committee Decision- Bill Sullivan, 59 Mountain Avenue, had sent a letter appealing the decision of Tree Protection Committee concerning the five Spruce trees in his yard. Mayor Hoag advised one of the trees is less than 18 inches in diameter and could come down. Mr. Sullivan advised he has four 70-foot pine trees along the side of his house that are healthy, but he is concerned that during windstorms one could fall on the house or on one of the bedrooms. Mr. Sullivan said he would like to take down the four trees for the safety of his family and advised that two trees have fallen in his yard in the past. Mr. Sullivan said he would replace those four trees somewhere in the yard if he could take them down, since they threaten his family. Mayor Hoag said the spruce trees are in good shape but they do have a shallow root system and thought Mr. Sullivan's request that he willingly plant replacement trees be considered and recommended that hardwood trees be replanted. Committeewoman Fair said she was also supportive of this and that she does not have much affection for soft woods and would prefer to have the hardwood trees as replacement. Committeeman Brower said he was completely in favor of letting Mr. Sullivan take down the trees and said he thinks the Tree Committee is intruding into Mr. Sullivan's property. Committeeman Brower said he opposes the Tree Ordinance as it exists allowing the Tree Committee to go onto private citizens property. Deputy Mayor O'Connor said Mr. Sullivan's approach was reasonable. Mayor Hoag said the replacement trees should be hardwood trees that are native and the replacement size is a 2-2 ½ inches caliper. Mayor Hoag said she would ask Parker Godwin, Chair of the Tree Committee, to contact Mr. Sullivan. Committeeman Brower noted the replacement tree project could cost the homeowner \$750. Mr. Sullivan confirmed with the Committee that the trees could be placed anywhere he wants in the yard. Mayor Hoag also mentioned the Tree Committee may have a list of native trees and help with the appropriate time to plant the trees.

Committeewoman Fair made a motion to grant the appeal of the decision by the Tree Committee on the condition that there be replacement trees installed within the season or one year. Deputy Mayor O'Connor seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

Attorney Woodward advised the resolution would be memorialized at the next meeting.

Reports

Mayor Hoag advised a letter had been sent to the County Park Commission asking that they increase the area where deer can be hunted in the township by adding to the county properties.

Mayor Hoag also reported the Environmental Commission received a matching grant from the DEP for \$2,500 to put a Conservation Plan element into the Master Plan. Committeeman Brower said he had a problem with matching funds. Mayor Hoag advised the Committee did approve going to the DEP for this and that there will be a public hearing on any item before it goes into the Master Plan. Committeewoman Fair said these dollars are going to be spent at the state level regardless and she was glad Chatham Township received the grant and will make very good use of the funds.

Deer Committee- Committeeman Brower said he had talked with Sergeant Carlson who thought hunters need a map review of where they can hunt and that this could be placed on the web site. Mayor Hoag said the summer intern could work with the Police to understand what properties are open for hunting and highlight these on GIS maps with pertinent information.

Tree Sub Committee- Committeewoman Fair said she and Deputy Mayor O'Connor had looked at several tree ordinances and met with the Tree Protection Committee and agreed on the following. Thinning the trees would be recommended if a lot is already heavily wooded or if the trees were damaging a septic system. They also strongly support stricter measures in the setbacks. Deputy Mayor O'Connor also mentioned he strongly recommends creating a position within the current staff or hiring a part time expert to do the inspections. The Committee agreed to authorize the attorney to work on these changes in the Tree Ordinance for their consideration.

Hearing of Citizens/Petitions

Mayor Hoag opened the hearing of citizens.

1. Craig Rieck, 7 Meyersville Road, said he had submitted a letter this afternoon with the same resolution proposed at the last meeting. Mr. Rieck said Attorney Woodward had explained to him after the last meeting that the Township would be accepting the street before it is completed and therefore exposing the Township to expenses of street damage and legal expenses in case of lawsuit, while Mr. Rieck's exposure was limited to \$22,000. Mr. Rieck said he was asking the Township to accept the resolution to start the process for Sycamore Custom Living to complete the street over the next 6 months and for the Township to accept the street 6 months from now after it is completed. Mr. Rieck offered to pay for the as-built plans and \$22,000 for the completion of the project. Mr. Rieck also made a personal appeal to the Committee to support this and to get it resolved tonight.

Since there were no further comments, Mayor Hoag closed the hearing of citizens.

Mayor Hoag said this would be discussed later in the meeting.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2004-007

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$540,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$514,100 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$540,000, including the aggregate sum of \$25,900 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$514,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows, and are more particularly described in the plans and specifications on file with the Township, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW equipment including but not limited to one (1) 4x4 pickup truck with plow; two (2) 4x4 trucks with service body and plow; one (1) 1 ton asphalt roller; one (1) 12 foot grass cutter; one (1) stainless steel sand spreader; two (2) 11 foot angle snow plows with universal hitch.	\$180,000	\$171,400	5
2.	Purchase of Police equipment including but not limited to one (1) Data Card System ID; one (1) unmarked car with police package; radios and radio equipment; vehicle mounted data terminals.	\$75,000	\$71,400	5
3.	Miscellaneous road repairs.	\$50,000	\$47,600	15
4.	Building improvements including but not limited to repairs to HVAC system in the Municipal Building.	\$160,000	\$152,300	15
5.	Drainage improvements to the Shunpike Road/Sunset Lake drainage system, including engineering.	\$75,000	\$71,400	15
TOTAL		\$540,000	\$514,100	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon

receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Township of Chatham is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants received by the Township for any purpose set forth in Section 3 hereof are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 10.258 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$514,100. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$55,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. 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 bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Hoag opened the hearing on Ordinance 2004-007 to the public. Hearing no one, Mayor Hoag closed the public hearing and asked the Committee for comments.

Committeeman Brower asked how fast the Township could proceed to get the catch basin in. Administrator Ciccarone said the ordinance would be effective 20 days after the publication. Then Engineer Bennett could be authorized to do the design.

Committeeman Brower moved to adopt Ordinance 2004-007. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

Introduction of Ordinances

ORDINANCE 2004-009

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, VACATING THE RIGHT OF WAY FOR A PORTION OF
HARDING AVENUE**

WHEREAS the portion of Harding Avenue in the township of Chatham extending westerly from the westerly sideline of Roosevelt Avenue remains undeveloped; and

WHEREAS the township has no need for said street right of way and it appearing that the public interest will be better served by vacating said street;

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

1. That portion of Harding Avenue extending westerly to its end from the westerly sideline of Roosevelt Avenue, as more particularly shown on the Tax Map of the Township of Chatham, is hereby vacated in its entirety and the portions thereof divided and conveyed to the adjoining property owners in accordance with law.
2. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under Laurel Drive, are hereby expressly reserved from vacation.
3. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
4. This ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Mayor Hoag said this ordinance was necessary so development could be done without it being considered a corner lot and noted the street is not being used. Attorney Woodward added this is a paper street and there is no development there.

Committeeman Brower moved to introduce Ordinance 2004-009. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

Attorney Woodward said the property owners must be noticed 10 days prior to the hearing and upon adoption, a certified copy of the ordinance must be recorded with the County Clerk within 60 days after adoption.

Public hearing will be scheduled for May 13, 2004.

ORDINANCE 2004-008

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT REGULATIONS
ORDINANCE OF THE TOWNSHIP AS RESPECTS PREMISES IN GREEN VILLAGE**

WHEREAS certain properties in the Green Village area of the Township have been designated in the R-2 Residence District or the B-2 Business District and said properties are more appropriately designated in the R-3 Residence District because they are undersized for the R- Residence District or are unsuitable for the B-2 Business District because they developed as residential properties;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham, 1995, is hereby amended as follows:

1. Section 30-75.2 and the "Zoning Map" of the Land Development Regulations are hereby amended to redesignate the following lots from the R-2 Residence District to the R-3 Residence District:
Block 139, Lot 55

Block 139, Lot 56.02

- 2. Section 30-75.2 and the "Zoning Map" of the Land Development Regulations are hereby amended to redesignate the following lots from the B-2 Business District to the R-3 Residence District:

Block 139, Lot 60

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

Mayor Hoag explained the changes as requested in a letter by Mr. Sodano.

Committeewoman Fair moved to introduce Ordinance 2004-008. Deputy Mayor O'Connor seconded the motion.

Committeewoman Fair added this ordinance makes sense and provides a transitional zone between commercial zones and residences in Green Village.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

Attorney Woodward advised the Planning Board has 35 days to comment on this ordinance. Property owners within 200 feet of these lots and the County must also receive notices.

Public hearing will be scheduled for May 27, 2004.

Consent Agenda

Before voting on the Consent Agenda, Administrator Ciccarone explained the reason to change the designation of insurance fund commissioner. Committeeman Brower noted the following amounts in relation to the payment of bills:

- Hatch, Mott MacDonald-\$32,937
- Marshall Frost Associates- \$630
- Hatch Mott MacDonald- \$2,310, \$1,187, \$1,137, \$2,100.

RESOLUTION 2004-087

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 \$544,040.34 and the prior month's payroll of \$354,019.29 Current Fund, \$37,539.62 Sewer No. 1, \$7,386.09 Sewer No. 2, and \$7,085.08 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of April 2004, in the amount of \$1,588,359.00 be paid.

RESOLUTION 2004-088

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR GREEN VILLAGE VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by Green Village Volunteer Fire Department on December 14, 2004, are hereby approved.

RESOLUTION 2004-089

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP

**OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING
ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Date of Social Affair</u>	<u>Place where Affair will be held</u>
Quindianos Unidos por Colombia 16 Greenwood Avenue Madison, NJ 07940	April 10, 2004	Green Village Volunteer Fire Department 529 Green Village Road Green Village, New Jersey

RESOLUTION 2004-089

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING
ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Date of Social Affair</u>	<u>Place where Affair will be held</u>
Quindianos Unidos por Colombia 16 Greenwood Avenue Madison, NJ 07940	April 10, 2004	Green Village Volunteer Fire Department 529 Green Village Road Green Village, New Jersey

RESOLUTION 2004-090

**RESOLUTION OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY
DESIGNATING INSURANCE FUND COMMISSIONER.**

WHEREAS, the Township of Chatham is a member of the New Jersey Intergovernmental Insurance Fund, and

WHEREAS, it is necessary to designate a Township Official to serve as a Fund Commissioner to represent the Township at meetings of the Fund;

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

Administrative Assistant/Assistant Treasurer, Debra A. King, is hereby designated to serve as the Township's Fund Commissioner in the New Jersey Intergovernmental Insurance Fund.

RESOLUTION 2004-092

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING GRANT AGREEMENT BETWEEN THE
ENVIRONMENTAL COMMISSION AND THE STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Chatham Township Environmental Commission (“COMMISSION”) has applied for a matching grant from the New Jersey Department of Environmental Protection (“DEPARTMENT”), Environmental Services Program (“ESP”), Matching Grants Program established pursuant to N.J.S.A. 13:1H-1 et seq., for funding in connection with a project entitled Conservation Plan Element for the Master Plan (“PROJECT”) the total cost of the PROJECT being \$ 5,000.00; and

WHEREAS, the DEPARTMENT has reviewed the application submitted by the COMMISSION and found it to conform with the scope and intent of the ESP Matching Grants Program and has approved the COMMISSION’S request for funding in the amount of \$ 2,500.00, contingent on the COMMISSION’S providing the required matching funds; and

WHEREAS, in order to obtain the grant funds, it is necessary that the Township of Chatham certify that matching funds in the amount of \$ 2,500.00 will be provided by the Township of Chatham to the COMMISSION for the PROJECT.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Township of Chatham:

1. That the COMMISSION was created and continues to exist in accordance with the laws of the State of New Jersey,
2. That the governing body recommends that the DEPARTMENT approve the COMMISSION’S application for funding,
3. That the COMMISSION is authorized to enter into a grant agreement with the DEPARTMENT in connection with the PROJECT, Office of Environmental Services Program, Grant Number ES 04-053.
4. That upon execution of the above grant agreement, the Township of Chatham will provide the COMMISSION with matching funds in the amount of \$ 2,500.00, for the PROJECT, and
5. That this resolution shall take effect immediately.

RESOLUTION 2004-093

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CHILDREN’S SPECIALIZED HOSPITAL FOUNDATION

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by the Children’s Specialized Hospital Foundation, in the Township of Chatham on October 4, 2004 are hereby approved.

RESOLUTION 2004-094

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>A/C NUMBER</u>	<u>AMOUNT</u>
	<u>72000</u>	
Karl Stephan 27 Oak Hill Road Chatham, New Jersey	38987	\$120.00

RESOLUTION 2004-095

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING RESOLUTION 2004-082 ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2004.

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2004-082 establishing annual salaries of non-contractual employees for 2004 is hereby amended as follows:

Director Water Pollution Control	\$70,000
Assistant Assessor/Recycling Coordinator	\$39,740
Escrow Account Clerk	\$3,500
Planning Board Attorney	\$8,870
Zoning Board Attorney	\$5,877
Planning Board Secretary	\$5,589
Zoning Board Secretary	\$5,322
Colony Pool Secretary	\$2,691
Pool Manager	\$16,300
First Assistant Pool Manager	\$5,600
Second Assistant Pool Manager	\$4,800
Recreation Counselor	\$5.25 - \$12.00 Hr
Lifeguard 1 st year	\$8.25 Hr.
Lifeguard 2 nd year	\$8.50 Hr.
Lifeguard 3 rd year and up	\$9.00 – 12.50Hr.
Gate Attendants	\$5.50– \$10.50 Hr.
Recreation Aide	\$5.50 - \$10.50 Hr.
Laborer (PT or seasonal)	\$7.50 - \$13.00 Hr.
Crossing Guards	\$7.50- \$15.50Hr.
Clerk Typist (PT)	\$10.00- \$12.25Hr
Electrical Sub Code Official/Inspector	\$14,500

This Resolution shall take effect immediately.

RESOLUTION 2004-096

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

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following properties; and
WHEREAS, the Tax Collector has recommended the refund of such overpayments.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made as indicated:

STATE JUDGEMENT

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER AND ADDRESS</u>	<u>AMOUNT</u>	<u>YEAR</u>
48.17	- 126.02	UN Chatham LLC 39 East 39 th Street Paterson, NJ 07514 Property: Hickory Place	\$ 17,594.84	2003
48.23	- 126.03	UN Chatham LLC 39 East 39 th Street	\$ 35,187.24	2003

Paterson, NJ 07514
Property: Hickory Place

Deputy Mayor O'Connor moved to pass the Consent Agenda. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

Discussion

1. Cable TV- Attorney Woodward advised Patriot Media had apologized for not sending the ordinance and will follow up on this.
2. Development Regulations for attached garage, steep slopes and development permits- Administrator Ciccarone advised Engineer Bennett and Committeewoman Fair need to meet with Attorney Woodward to put these regulations into ordinance form. This will be placed under discussion items at the next meeting.
3. Southern Boulevard Sidewalks- Administrator Ciccarone advised Engineer Bennett was still waiting for approval from the DEP for the transitional area waiver. Administrator Ciccarone advised it has been submitted for at least 90 days. The Township Committee requested that Administrator Ciccarone draft a letter from the Mayor and Police Chief to the Commissioner requesting that the application be expedited for public safety reasons.
4. Public Safety-Reverse 911- Lt. Petersen from the Chatham Township Police Department advised the Committee that the system is actually called the Communicator. In the event of an emergency, a mass notification is done by e-mail or telephone within a few minutes. The system allows the Police to prerecord a message. The County has special phone lines to notify the entire town in less than an hour. Residents can registrar their cell phone numbers and pagers as well. Lt. Petersen advised the County implemented this for the entire county and the system is up and running. The Township could notify the County in an emergency and the County would make a mass notification. The parameters can be set for the different scenarios ahead of time. Lt. Petersen advised that there are some software problems and problems with jurisdictional boundaries that are being worked out. The Committee was concerned if the system works and whether there should be test run. Lt. Petersen said a test run could be done, but the Township would be billed if it falls under a non-emergency. Lt. Petersen will report back about whether a small group could be included in a test run.
5. Great Swamp Watershed Association request concerning bicycling events- Mayor Hoag advised she had a discussion with Patsy Clew from the Great Swamp Watershed Association concerning this event to be held on a Sunday morning and expressed concern about the proposed route that would involve three churches on Southern Boulevard and that Fairmount Avenue and Meyersville Road are poor roads to ride on. Mayor Hoag advised they are now working on other routes that would be less impacting. The other concern is that they do not know the number of bikers. Mayor Hoag advised we have been approving these requests case by case, but this was a new request and they are working with Officer Curtis and Harding Township. Mayor Hoag said they would come back to us with another recommendation.
6. Commuter Parking- Committeeman Brower advised the commuter parking situation has come up in the past and the desirability to live in Chatham Township. Committeeman Brower made a recommendation that the Township consider talking with Madison and Chatham Borough about establishing a self-liquidating parking commission in order to accommodate the commuters from our towns. Committeeman Brower thought Harding might possibly be interested as well.
7. Trash Collection- Committeeman Brower said he would like the Township to reconsider the concept of trash collection and incorporate charges for trash collection as well as sewer charges under our regular tax umbrella so it would be an advantage to the taxpayer because these would be deductible. Committeeman Brower also said the method of collection should be looked into and whether it should be a per bag basis. Mayor Hoag said now there is twice a week pick up and a senior discount is available. Mayor Hoag thought the Township must seriously consider the costs of having a town wide contract to provide the current level of service and the impact on the Township. Mayor Hoag noted that with the EPA Miele Dump issue, the Township is not being considered a partner in

the possible clean up because the Township did not have a contract to dump at the Miele Dump. If the Township has a garbage collection contract in the future, it could open up the Township to a lawsuit in the future. Committeewoman Fair said we had talked with different collectors about serving the entire town and the prices were not advantageous to us. Committeeman Brower thought the seniors should be able to get a discount and have their garbage picked up in inclement weather. The Committee agreed to keep this issue on the agenda. Administrator Ciccarone advised it would be feasible to put it out to bid with once or twice a week service and bid specifications could be worked on.

Administrator Ciccarone offered to call some haulers and try to get some estimates to determine if the Committee would like to put this out to bid. Mayor Hoag questioned how much would be saved from the tax perceptive. Attorney Woodward would need to address any potential liability that it would open the town up to.

8. Township Conceptual Review for development applications- Committeewoman Fair recommended amending the current ordinance to encourage applicants who have development projects to come in for an informal conceptual review before they spend any money. Committeewoman Fair said she hoped this would result in much better applications. Attorney Woodward said this procedure is allowed under the municipal land use law and is usually inexpensive and in many cases it is free. Attorney Woodward will talk with other colleagues and thought a description of the procedure could be put in the ordinance. Committeewoman Fair also mentioned applications being submitted in the future in an electronic format.
9. Request from Sycamore Custom Living- Attorney Woodward explained a request dated March 29, 2004 was received from Sycamore Custom Living for an extension of the developer's agreement. In the letter Mr. Henkle describes the status of the property and development and the schedule for completion, hopefully by the end of the year. The Committee asked several questions that Attorney Woodward answered. Attorney Woodward clarified that when a subdivision is approved and the plot is recorded in the County, the roads shown on the map are dedicated for public use, but do not become public roads until the roads are accepted by the municipality. Attorney Woodward further explained that the key issue is whether an adjoining property owner has the right of access to a less than complete road. The primary issue is that Sycamore Custom Living has said that Mr. Rieck couldn't have access to the street unless he pay's them money or the town could eliminate the problem by accepting the road. However once the town accepts the road, it becomes a public street and the town is responsible for it. Since there is no law about an adjacent property owner having access to that street, Attorney Woodward explained what the Judge might do. Mr. Rieck said there would be no cost to the Township if the town implements the resolution and advised the buyer's bank would not close on the loan unless the street is an accepted road in 6 months. Attorney Woodward asked if this letter would be satisfactory to the bank. Mr. Rieck said the letter would not be satisfactory and suggested the 6 months be changed to one year and accept the resolution. Attorney Woodward asked if there was something else that would satisfy the bank and give them sufficient comfort so his buyer could close. Mr. Rieck again requested that the Township Committee not take any action on the Sycamore Custom Living request for an extension. Attorney Woodward agreed that Mr. Henkel should have been present for this discussion. Attorney Woodward thought the Township could impose an obligation on them as a condition of extending the developer's agreement. Attorney Woodward said the Township has the ability to impose conditions on Custom Living to get things done and suggested that Mr. Rieck talk with his attorney about arguing that the court require conditions that some sort of structure be imposed to complete the road or not put down the top course until Mr. Rieck's work is done. Following discussion, it was decided that Mr. Rieck will have the broker and buyer contact Attorney Woodward to find out if there is some kind of condition that would be acceptable to the bank that would give them comfort so the closing can take place. Mayor Hoag also said if the Township extends the developer's agreement, clear dates for the as-builts are needed. Administrator Ciccarone thought the as-builts for the sanitary and storm sewer have already been provided. Mr. Rieck thanked the Committee.

Executive Session

RESOLUTION 2004-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**

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 Litigation
Contract Negotiations
Personnel

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.

Committeewoman Fair moved to adopt Resolution 2004-P-06 at 10:16 p.m. Deputy Mayor O'Connor seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman DeMeo, Absent; Deputy Mayor O'Connor, Aye; Mayor Hoag, Aye.

The Committee returned from Executive Session at 10:35 p.m. Deputy Mayor O'Connor moved to adjourn. Committeewoman Fair seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk