

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
MAY 27, 2004**

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

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

Approval of Agenda

The Committee requested that discussion about a potential new member of the Tree Committee be added as item 4 under "Discussion."

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

Special Recognition/Awards

Proclamation- Mayor Hoag read the Proclamation attached increasing public awareness of Myasthenia Gravis and proclaimed the month of June 2004 as the Myasthenia Gravis month in Chatham.

Reports

Committeeman DeMeo addressed the mailing done by Bailey Brower and stated the Watchdog Report made inaccurate statements that are disparaging in nature and contain a significant amount of misinformation. Committeeman DeMeo said he was taken aback by the allegation that the "\$19 million business" is not well run and clarified the township budget is \$9.6 million and the sewer utility budget is \$2.2 million. The Watchdog Report suggested the Planning Board was part of an illegal action and Committeeman DeMeo said that was not true. With regard to the Skate Park, Committeeman DeMeo said the community donated the majority of the cost. The project was approved by majority vote of the Township Committee and the engineering and site plans conform to all of our regulations. Committeeman DeMeo emphasized that the vindictive, personal attacks on boards, committees and their members, as well as township personnel and operations contained in the Watchdog Report do not reflect the feelings of the Township Committee. Committeeman DeMeo said the Township was fortunate to have Bill McCutcheon and praised him for his high level of integrity and professionalism. Committeeman DeMeo urged citizens to attend board meetings and observe what the volunteers are contributing to their community. Committeeman DeMeo also said the Township Committee should act as a body, should adhere to the rules of decorum and professionalism, and should avoid actions that are unprecedented, disruptive and pose an impediment to orderly process of government. Committeeman DeMeo asked Committeeman Brower to start adding value to this legislative body and to be a constructive part of this process. Committeeman Brower said he felt he was personally being attacked and asked for time to respond.

Deputy Mayor O'Connor provided his perspective on the roles of elected officials and government employees and said elected officials must represent the citizens in an unbiased and professional manner, including being impartial in setting public policy and being fair-minded and receptive to views he may disagree with. Deputy Mayor O'Connor said elected officials must form a consensus around issues and stressed the importance of being accurate with statements and comments. He added that inaccuracies in written and verbal communication will create dissention and controversy, as well as rumors and distortions; thus, resulting in failure to

provide a satisfactory and effective result. Deputy Mayor O'Connor said he draws a distinction between constructive criticism, which seeks to improve the town for its citizens, and self-promotion, the choice direction of agenda seekers who solely cater to themselves. Deputy Mayor O'Connor emphasized another important responsibility the elected officials have is to the township officials, employees and volunteers. Deputy Mayor O'Connor said statements that publicly malign, question and ridicule volunteers are wrong, misguided, and demagogic and thought the citizens deserve better from their elected representatives.

Committeewoman Fair said the Watchdog Report mailing was very upsetting as it contained mistaken comments. She reflected that she was a minority of one for six years and did not attack people, and she has made every effort to do her best for this community. She stressed that the Township Committee should be attacking issues through debate and not creating personal attacks that do not constitute effective ways to participate in town government. Committeewoman Fair briefly commented on the accusations relative to Planning Board applications. Since security was an issue for Oak Knoll, Committeewoman Fair said the fence is still there but was moved back. Relative to tree removal, Committeewoman Fair stated that landowners have the right to develop their property; however, it is the town's responsibility to ensure that the use does not impose a threat or harm to others. In that regard, the construction of playing fields is not compatible with the retention of trees, yet every effort was made to avoid unnecessary loss of trees. Relative to the Heyl property application, Committeewoman Fair explained that the review of this application included a review of the Master Plan and was discussed at several regular and special meetings; preliminary approval was given within seven months. Complications occurred with the wetlands classifications and final approval was held up by the State due to a lengthy wetlands review. When the developer came back for final approval, this approval was given two months later. Committeewoman Fair also noted that the environmentally sensitive nature of the Stirling property caused complications with the application. The application included a highly eroded stream, wooded steep slopes, a dam, water impoundment and wetlands; all required permits from the DEP, except for the steep slopes. In summary, Committeewoman Fair emphasized that the criticisms written in the Watchdog Report relative to complaints about lengthy reviews does not seem to be warranted and such attacks are disheartening and disappointing.

Committeeman Brower said that he is willing to back up every comment he made in the Watchdog Report and stated ten years for the Stirling property application was too long. Further, he believes the Skate Park is in the worst possible location. Committeeman Brower said he would continue to bring his concerns to the public's attention. Committeeman Brower said he accepts only one dollar for his salary as Township Committeeman and that it is a pleasure to serve the public. Committeeman Brower stated he has never seen a worse run business than Chatham Township.

Hearing of Citizens

Mayor Hoag opened the hearing of citizens to the public.

1. George Kadri, Glenmere Drive resident, questioned the placement of "no through traffic" signs on Hilltop and discussed alternatives including "no left turn" signs. Administrator Ciccarone said he had already investigated the situation and found the sign was never properly authorized and has been removed during the past week. Mr. Kadri thanked the town for their prompt service.
2. Judy Carlsson, 48 Rolling Hill Drive, thought the Brower Watchdog Report grossly distorted the facts. Mrs. Carlson, as a resident of Chatham as well as a Planning Board member for six years, provided an extensive background and history on many of the articles in the Watchdog Report. She referenced and provided detailed inaccuracies with articles on KMI, the Stirling property, Heyl Roses, Oak Knoll and the Skate Park, as well as the personal attacks against Mayor Hoag, which she felt were unwarranted. Mrs. Carlson was very upset to receive the Watchdog Report in the mail and based Committeeman Brower's allegations on a personal vendetta against the Planning Board because he did not get everything he wanted in his applications, which were appealed and the Judge upheld the Planning Board's decision. She further believes that Committeeman Brower is against the Skate Park because it is located next to his property. Mrs. Carlson asked that Mr. Brower check his facts in the future. Mayor Hoag thanked Mrs. Carlson for all her hard work and dedicated commitment to the Township over the years.

3. Bill Killea, 56 Floral Street, stated the mailing from Mr. Brower bothered him, especially the attack on the volunteers. Relative to political parties referenced in the report, Mr. Killea said it did not matter what party you belong to at this level of government, but what does matter is good common sense and a willingness to hear the other side of the question. Relative to criticisms in the report against Bill McCutcheon, Mr. Killea supported Bill McCutcheon and referred to him as “a great American.” He added that the bottom line is building a consensus at the Committee level and it should not be done through personal attacks, or in a polarizing manner. Committeeman Brower interjected that he never accused Mr. McCutcheon about being an American but criticized his treatment of the Oak Knoll application. Mr. Killea clarified that he characterized Bill McCutcheon as a great American as a term of respect. Deputy Mayor O’Connor stated that his prior commentary and Mr. Killea’s opinions both emphasized the same point that everyone needs to work together. The town and the citizens have these expectations and each Township Committee member should meet these expectations.
4. Dan Miller, Green Village resident, brought up questions regarding the Oak Knoll fence. In particular, Mr. Miller questioned the petition sent to the Committee signed by a large number of Green Village residents who were not opposed to the fence and asked if it was taken into consideration when making the decision to move the fence. Mr. Miller added that by moving the fence there is now an open drainage issue in front of the fence. Committeewoman Fair responded to the question raised by Mr. Miller, adding that the petition was taken into consideration as the fence is still there. Mayor Hoag added that any further concerns relative to safety should be brought to the Township’s attention, in particular, the Planning Board.
5. Mel Reinhart, 30 Dogwood Drive, said he has attended the Township’s various meetings for over 30 years and agrees the members of the Planning Board work hard, yet there were times that the length of discussions took unnecessary hours of time. Mr. Reinhart thought the present Township Committee should all work together and stated that four of the Township Committee members should connect with the fifth member so as to avoid the 4-1 split. Mr. Reinhart also said he was unhappy with the political signs for the election around town and stated that they are a disgrace.
6. Cynthia Merwin, 149 Candace Lane, said with regard to Mr. Brower’s letter and as Chairperson of the Open Space Committee, she stated she resented Mr. Brower’s negative comments about the Mayor as she believes Susan Hoag has done more for the town than anyone she can remember. Mrs. Merwin praised Mayor Hoag’s contributions and involvements with the Master Plan, the Greenway and Open Space Plan and that the Mayor has helped preserve over 100 acres in the Township. Mrs. Merwin stated that Committeeman Brower made her quite upset in attacking Susan Hoag because the Mayor has done nothing but work for the good of this town.
7. Peter Hofmann, 82 May Drive, asked about Woodland Park relative to the kind of agreement the Township and the Borough have with the Board of Education that allows for a field to be built with 120 parking spaces on school district property. Mayor Hoag thought the engineers are now possibly estimating only 75 parking spaces. Administrator Ciccarone advised the engineering is still being worked on and they might be reducing the number of fields and the additional parking. The Administrator said final decisions are yet to be made, that these are only conceptual plans, and that there is no formal agreement yet.
8. William Smith, Heritage Drive resident, said he disagrees with John DeMeo that the Township is efficiently run and asked if municipal property taxes will be raised with the Woodland Park project. Administrator Ciccarone advised Woodland Park has been purchased with money from the Open Space Trust Fund and so far local purpose tax has not gone to Woodland Park. The Administrator advised part of the \$1.1 million bond ordinance approved last year was for the development of the site and other projects as well and that the financing will be spread out over 15 years, so the impact on the budget will be minimal. Deputy Mayor O’Connor stated that he finds the town is tightly run and would be willing to listen to specific examples of mismanagement.
9. John Benton, Sunset Drive resident, said that when he was selling tickets for the Chatham Township Volunteer Fire Department annual fundraiser at ShopRite, he noticed that there were not enough handicapped parking spaces at ShopRite and said there was an issue of safety and convenience for the citizens.
10. Mark Devlin, 80 Candace Lane, said residents have the right to expect accurate and truthful information on any issue and taxpayers expect members of the Township

Committee to be professional and respectful, and that members should be working together for the good of the community.

11. Jack Hartford, 508 Fairmount Avenue, said in response to Mr. Brower's letter, he was very concerned because the words used in his report implied a threat by saying "more names to follow." Mr. Hartford said he is supportive and respectful of Committeewoman Fair and that it takes a lot of courage to identify yourself as a Democrat in this town. He added that the Watchdog Report did bring many citizens out to show their support for the committee members attacked in the report; however, some citizens may have thought they would not be welcome here by the tone of the letter. Mr. Hartford said the report has a political motive and added that there is a danger when Mr. Brower speaks as a representative of the committee in a public mailing. Mr. Hartford also hoped the press would provide the public with what is going on tonight.
12. Gerry Hendricks, Heritage Drive resident, said she has worked elections for over 23 years and thought the same person should not always be the Judge on Election Day and that they should take turns. Ms. Hendricks further commented on her dissatisfaction on having woods cut down for additional playing fields due to improper planning.
13. Fred Pocci, Robert Drive resident, said that although he may have disagreed on issues with other Committee members when he was on the Committee, they always walked away respectful of each other. Mr. Pocci referred to the no-net storm water ordinance that was passed by the Township Committee in 1997 and that it is now a model ordinance for the State. Mr. Pocci further explained that without the storm water ordinance there is no new development. Mr. Pocci also said that the Heyl property and Stirling property were very difficult properties to develop and that most of the delays were with the State. Mr. Pocci said everyone has worked hard over the years and the Committee should work together and move in the same direction to try to make the community better.

Mayor Hoag offered Committeeman Brower an opportunity to address the comments thus far. Committeeman Brower stated that he would not speak on the Watchdog Report; however, focused his attention on the 72-acre parcel owned by the Kirby family that has been put on the market for \$17 million. Committeeman Brower asked what the Township Committee has done to encourage the Kirby's to stay. Committeeman Brower also said a recreation group approached the Kirby's to discuss playing fields and the Mayor also contacted them without discussing such contact with the Township Committee. Committeeman Brower feels more should be done to keep the Kirby's from selling and anticipated that this parcel will be subdivided, adding more homes, thus adding more school children to the area.

Mayor Hoag replied the former Mayor, Joe Reilly, who was the liaison to the Open Space Committee contacted the Kirby's in 1997. Mayor Reilly asked the Kirby's if they wanted to preserve their property and, if they were interested, the town would do whatever it could. At that point, Mr. Kirby believed he would keep the property for the rest of his life, and if that changed, he would let the Town know. When the property became available, the Open Space Committee contacted the Kirby's. Mayor Hoag stated the Open Space Committee does not make their contact with property owner's public information because advertising can sometimes limit the options. The Kirby's decided that 72-acres is too large and they wanted to downsize and are looking for other options for their horse business. Mayor Hoag said it was the Kirby's prerogative to let the press know.

Committeeman DeMeo stated the purchase of the Kirby property was an item for Executive Session, and that any contracts, personnel and litigation must be discussed in Executive Session. Administrator Ciccarone added that the purchase of land is a specific exclusion in the Open Public Meetings Act as a subject that should be discussed only in Executive Session. He added that any contact from the Chatham Township Recreation Advisory Committee was not authorized by the Township and was not done in an official capacity.

Mayor Hoag closed the hearing of citizens.

Public Hearing/Final Adoption of Ordinances

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 stated that this ordinance addresses a zoning change requested by a resident in Green Village. This ordinance has been discussed, reviewed, and is being recommended for approval.

Mayor Hoag opened the hearing on Ordinance 2004-008 to the public.

1. Peter Hofmann, 82May Drive, asked about the location of the rezoning. Attorney Woodward stated that two lots are to the east of the Green Village Garage and the third lot is immediately to the west of the Green Village Deli. The Mayor stated that they were in the R-2 Zone and will be changed to the R-3 Zone.

Since there were no further comments from the public, Mayor Hoag closed the hearing on Ordinance 2004-008 to the public.

Committeeman Brower moved to adopt Ordinance 2004-008. Committeewoman Fair seconded the motion.

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

ORDINANCE 2004-010

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY GRANTING MUNICIPAL CONSENT TO THE RENEWAL
OF A FRANCHISE TO PATRIOT MEDIA & COMMUNICATIONS CNJ, LLC, THE
PURCHASER OF THE ASSETS OF RCN TELECOM SERVICES, INC., FORMERLY
KNOWN AS C-TEC CABLE SYSTEMS, TO CONSTRUCT, OWN, OPERATE, EXTEND
AND MAINTAIN A CABLE TELEVISION AND CABLE COMMUNICATIONS
SYSTEM IN THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, AND SETTING FORTH CONDITIONS ACCOMPANYING THE
GRANT OF SAID FRANCHISE AND PROVIDING FOR THE REGULATION AND USE
OF SAID SYSTEM**

WHEREAS, the Township of Chatham previously approved a municipal consent for a non-exclusive franchise to RCN of New Jersey, Inc. ("RCN"), formerly known as C-TEC Cable Systems, whose assets were acquired by Patriot Media & Communications CNJ, LLC ("Patriot" or the "Company"), to construct, connect, own, operate, extend and maintain a cable television and cable communications system within the Township of Chatham, County of Morris, State of New Jersey; and

WHEREAS, by Application for Renewal of Municipal Consent filed with the Township of Chatham on November 27, 2002 (the “Application”), RCN sought renewal of the Township’s Municipal Consent for the renewal of said franchise; and

WHEREAS, the Township Committee of the Township of Chatham has considered such Application and has conducted a public hearing on February 27, 2003, after proper public notice pursuant to the terms and conditions of the New Jersey Cable Television Act (as defined) and the regulations adopted by the Board of Public Utilities.

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

Section 1. - Statement of Findings

A public hearing regarding the Company’s consent Application was held on February 27, 2003, after proper public notice, according to the terms and conditions of the Cable Television Act. The hearing was fully open to the public and the Township received at the hearing all comments regarding the qualifications of the Company to receive Municipal Consent and the community’s present and future cable related needs and interests. Pursuant to the terms and conditions set forth herein, the Company possesses the necessary legal, technical, character, financial and other qualifications to support this renewed grant of Municipal Consent, and the Company’s operating and construction arrangements are adequate and feasible.

Section 2. - Definitions

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communication Commission, FCC rules and regulations, 47 C.F.R. Section 76.1 et seq., and the Telecommunications Act of 1996, 47 U.S.C., Section 521 et seq., as amended, and the New Jersey Cable Television Act, N.J.S.A 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with Federal or State definitions:

- A. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey and subsequent amendments thereto, Section 48:5A-1 et seq.
- B. “Board” is the New Jersey Board of Public Utilities.
- C. “Federal Act” is the Federal Telecommunications Act of 1996, 47 U.S.C. 521, et seq.
- D. “OCTV” is the Board of Public Utilities’ Office of Cable Television.
- E. “Patriot” or the “Company,” the grantee of rights under this Ordinance, is Patriot Media & Communications CNJ, LLC, and its permitted successors or assigns.
- F. “Township” or “Chatham” is the Township of Chatham, County of Morris, State of New Jersey.

Section 3. - Consent to Renewal

The Township hereby grants a non-exclusive consent of renewal, franchise, right and privilege for Patriot to construct, own, extend, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto in the Township, such poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system and cable communications system for the purpose of distributing television and radio signals and other impulses in order to furnish television and radio programs and data to the public and for other lawful purposes. The rights of grant include the right to use and occupy said highways, streets, alleys, sidewalks, public ways and public places and all manner of easement for the purposes herein set forth and as provided by the Federal and State Acts.

Section 4. - Franchise Term

The consent herein granted shall be non-exclusive and shall expire fifteen (15) years from the date of issuance of a Renewal Certificate of Approval by the New Jersey Board of Public Utilities. The Township's consent is subject to, and expressly contingent upon, the Company commitments, which shall be expressed by acceptance of this Ordinance as required under the Cable Television Act.

Section 5. - Franchise Fee

The Company shall, during each year of operation under the consent granted herein, pay to the Township a franchise fee equal to the greater of two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Township or the maximum amount permitted under applicable law. The Township acknowledges that two percent (2%) is the maximum currently permitted under the Cable Television Act.

Section 6. - Franchise Territory

The consent granted under this Ordinance to the Company shall apply to the entirety of the Township and any property hereafter annexed.

Section 7. - Primary Service Area

The primary service area shall consist of all public residential streets within the Township existing as of the date of this Ordinance as set forth in a map supplied by Patriot to the Township with its Application. Patriot's line extension policy shall apply to new residential public streets and to unserved commercial areas along public streets and rights-of-way.

Section 8. - Provision of Services

Patriot shall be required to provide service to any person's residence or business located in the Township in accordance with Patriot's stated installation charges and line extension policy as set forth in its Application and tariff or as the same may hereafter be amended. As new streets and roads are constructed within the Township, Patriot will extend its system onto such roads in a timely fashion in accordance with its line extension policy. For purposes of the line extension policy, the minimum homes per mile density shall be 25.

Section 9. - Signal Quality

- A. In transmitting its television signals to subscribers in the Township, Patriot shall provide, at a minimum, a good quality signal, in accordance with Federal and State technical standards and prevailing industry standards. Patriot shall adhere to technical specifications recommended by the National Cable Television Association for the transmission of television signals, signal quality, and facilities and equipment, to the extent such standards remain consistent with Patriot's technical operations during the course of this franchise. The Township reserves all rights and authority regarding technical standards provided it by Federal and State law and regulations at any time during the franchise.
- B. There shall be no material degradation in signal quality of programming delivered to subscribers from that which is received by the Company.

Section 10. - Maintenance of System

The Company shall maintain its system in good and reasonable operating condition at all times during the term of the franchise.

Section 11. - System Rebuild

- A. The Company shall rebuild the cable system as specified in the Application and in this Ordinance. The distribution system shall be rebuilt with both fiber optic and coaxial cable and is anticipated to employ what is customarily known as "fiber to the service area" architecture. The fiber to the service area architecture consists of fiber optic cable from the system head-end to a node in the service area. Upon completion of the rebuild, the planned capacity shall be no less than 750 MHz of bandwidth.

- B. The rebuilt system shall be capable of providing two-way interactive services to residential and commercial subscribers. Such services, when commercially viable, may include video on demand and high-speed data transfer. Upon completion of the upgrade, the system may include all necessary distribution electronic equipment required to make two-way operations available to the home. At the time that interactive services are offered by Patriot, converters will be made available to subscribers to enable them to use such two-way technology. The Company agrees to design the cable television system in the Township so that it will meet the design specifications contained in the Application in all material respects. The Company agrees that its cable television system shall be capable of supporting state-of-the-art data and high quality video (e.g., HDTV) services or other such services as may be expected during the lifetime of this franchise.

Section 12. - Construction Schedule

- A. The Company shall complete and fully activate the system rebuild as described in the Application and in this Ordinance by no later than July 31, 2004.

Section 13. - Access Channel

At the conclusion of the rebuild specified in Section 12 above, Patriot shall provide an access channel that shall be utilized for educational access. The Company will make its system available and compatible with the cable television provider in Chatham Borough for the purpose of airing productions of the Chatham School District in both municipalities.

Section 14. - Access Equipment

- A. The Company will fund the provision of the equipment listed below for access video production support for the Township of Chatham and the Chatham School District.
1. Two professional half-inch CCD DV camcorders with accessories, tripods and dollies;
 2. DV video switcher, color monitors, location lighting kit, wireless microphones, portable audio mixer, cables, cases and wireless intercom headsets;
 3. Digital video editing system consisting of PC-based hardware and DV editing software with workstation.
 4. Any other equipment deemed necessary to fulfill video communications implementation and for access video production support, including but not limited to a character generator.
- B. The Company's obligation to fund the purchase of the equipment listed above is conditioned upon the following:
1. Patriot is not obligated to expend more than \$38,500.00 toward the purchase of such equipment; and
 2. The Township's development of a video communications implementation plan, which shall establish a program designed to utilize said equipment for the production of local access programming. Said plan shall identify Township and/or School District resources that will be dedicated to the implementation and continuation of said programming, which shall include, but not be limited to, financial resources dedicated to said program, production facilities and persons responsible for oversight of the program.

Section 15. - Interactive and New Services

To the extent Patriot offers advanced information services, interactive services or new services, including HDTV, in its system, such services shall be available to all Township customers.

Section 16. - Customer Service

- A. The Company shall comply with all Federal and State regulations pertaining to customer service, including, but not limited to, those pertaining to office hours and telephone availability, installations, outages, service interruptions, service calls, billing, billing disputes, service related complaints, notices of changes in rates, programming and channel positions.
- B. As a supplement to and clarification of, and not as a limitation of sub-section A above, Patriot agrees to the following:
 1. During the term of this renewal, Patriot shall maintain a local business office for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. This office will allow subscribers to drop off or pick up converter equipment and pay or question their bills. The office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday. The local business office shall maintain a local or toll-free telephone number and will be equipped to receive all complaints regarding quality of service, billing, equipment malfunctions, installations and similar matters. Patriot shall maintain adequate staff and telephone equipment to keep telephone call response time (time customer is on hold) in conformance with Board regulations.
 2. OCTV is hereby designated as the Municipal Complaint Officer for the Township pursuant to N.J.S.A 48:5A-26. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
 3. Patriot shall utilize commercially reasonable efforts to repair service outages within twenty-four (24) hours of their being reported and, if such repair is not made, Patriot shall credit subscribers for service outages in accordance with the requirements of N.J.A.C. 14:18-3.5.
 4. Patriot shall provide notice to subscribers and Township officials of changes in rates as required by Federal law and the Cable Television Act.
 5. Patriot shall give due consideration to programming preferences expressed by customers.
 6. Patriot shall provide periodic notice to its subscribers in the Township, informing subscribers and potential subscribers of the procedures and telephone numbers for deletion of services, addressing billing problems, reporting comments or complaints, and advising subscribers of their legal rights with respect to service outages.
 7. Patriot shall maintain a record of service-related complaints concerning its plant and operations as required by N.J.A.C. 14:18-6.2, or as said rules may amended.
 8. Patriot will perform repair services, installations, disconnections and relocations on weekdays, and, when appropriate, on evenings and weekends. The Company will use reasonable efforts to provide customers with “appointment window alternatives” for all service calls, including repair, installation, disconnection and relocation activities, which appointment windows will be, at maximum, four (4) hour time blocks. If Patriot fails to keep a scheduled appointment, the Company will offer the customer priority in rescheduling the appointment.
 9. The Company shall be available to respond to outages and service interruptions twenty-four (24) hours a day.

Section 17. - Senior Citizen Discount

Patriot will implement a senior citizen discount on the monthly limited basic service rate to any person sixty-two (62) years of age or older. Such discounts shall be subject to the eligibility requirements set forth in N.J.S.A. 48:5A-11.2. The Company has agreed to apply the same discount rate to the disabled who meet the eligibility requirements established by law.

Section 18. - Service to Certain Institutions

The Company agrees to provide one (1) standard installation and (i) a converter box (if required), and basic monthly service, and (ii) a cable modem and standard cable modem service to each existing and future public school and/or library in the municipality, free of

charge, provided that such school and/or library shall be within the standard installation distance from the Company's existing plant. Currently, there are three (3) schools in the Township: Southern Boulevard School, the High School, and Lafayette School.

Upon request of any public school and/or library in the municipality, the Company agrees to install additional outlets and provide addressable converter boxes on a materials plus labor basis. Monthly service charges shall be charged at the regular tariff rates for additional outlets.

Section 19. - Drop-Line Policy

- A. Patriot's non-standard installation policy shall be as set forth in Patriot's tariff and in accordance with the requirements of the OCTV.
- B. Patriot shall set out the cost per linear foot to the consumer depending upon whether the subscriber drop line will be installed below ground or above ground. The Company's estimate will also set forth each and every type of equipment that is necessary for the drop-line and what the cost is for the same, as well as the cost for labor.
- C. Nothing herein shall prevent Patriot from offering incentives or other promotional programs that would waive all or any portion of a subscriber's non-standard installation costs.

Section 20. - Rates

The Township acknowledges that New Jersey municipalities do not currently have authority to regulate the rates the Company charges subscribers for its service. In the event that Federal Law, the Cable Television Act, and/or other applicable law is amended to permit the municipality to exercise regulatory power over rates, the Township reserves the right to exercise such power to the extent permitted by such law(s).

Section 21. - Construction Requirements, Relocation of Poles, Tree Trimming and Restoration

- A. In the event Patriot or its agents shall disturb any pavement, street, surfaces, sidewalks, driveways or other surfaces in the natural topography, Patriot shall, at its sole expense, restore and replace such places or things so disturbed in as good condition as existed prior to commencement of said work.
- B. In the event that, at any time during the term of this Ordinance, the Township shall lawfully elect to alter or change the grade of any street, alley or other public way, Patriot, upon reasonable notice by the Township, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at Patriot's own expense.
- C. Patriot shall have the authority to trim trees and overhanging branches upon streets, highways, alleys, sidewalks and public places within the Township so as to prevent the branches of such trees from coming into contact with the wires and cables of the Company, provided that prior to undertaking any such trimming activities, Patriot shall consult with and receive permission of the Township's Tree Protection Committee or other designated representative of the Township and shall comply with applicable Township ordinances so as to minimize the detrimental impacts of such trimming activities. Prior to undertaking such trimming activities, Patriot shall notify the property owners in the areas to be affected. Notwithstanding the foregoing, in the event of an emergency which poses a danger to the health and public safety of the Township, the Company may proceed with such trimming in such manner as to protect persons and property from injury or damage, and provided that the Company shall notify the Township's Tree Protection Committee or other designated representative of the Township as quickly as reasonable under the circumstances.

Section 22. - Programming

- A. Although nothing herein shall require the Company to carry or transmit any particular programming source, the Company shall provide subscribers in the Township with the same mix, and, at a minimum, the same level of video programming as is now provided to the Company's subscribers in the Township, including the same broad categories of programming, in approximately the same quantity as are now provided.

- B. The Company will advise the Township and its subscribers within the Township of any changes in programming as required by the regulations of the Board.

Section 23. - Emergency Uses

Patriot shall be required to have the capability to override the audio portion of the system at the head-end in order to permit the cablecasting of emergency messages by municipal officials, the police department or the designee of the governing body, as required by the Federal Communications Commission and consistent with the Emergency Alert System established by the State of New Jersey.

Section 24. - Performance Bonds

- A. As required by the Cable Television Act, the Company shall provide a surety bond to the Township, which shall be in the amount of \$25,000.00. Such bond shall be to insure Patriot's faithful performance under this Ordinance.
- B. The bond required by this Ordinance shall require thirty (30) days written notice to the Township prior to any cancellation, non-renewal or alteration of the bond.

Section 25. - Liability Insurance and Indemnification

Patriot shall at all times maintain (I) a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation of the cable television system; and (II) an excess liability (umbrella) policy in the amount of \$3,000,000. The Township shall be named an additional insured under the policy.

Section 26. - Incorporation of Application

All of the statements and commitments contained in the Application and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

Section 27. -Compliance With Law

Notwithstanding any specific mention of applicable Federal or State statutes or regulations, the Company shall comply with all of the requirements of the Telecommunications Act of 1996, the Federal regulations, the Cable Television Act and/or any regulations promulgated thereunder, and any other valid statute, regulations, rule or promulgation.

Section 28. - Severability

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, pre-empted or unconstitutional by any court or Federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 29. - Meetings

Upon thirty (30) days written request by the Municipality, the Company shall make available representatives to meet with Municipal officials for the purpose of reviewing the Company's performance. The Company's representative shall respond to the reasonable requests for information made by the Municipality prior to or at such meeting.

Section 30. - Effective Date

This Ordinance shall take effect as of the date of final passage in accordance with law.

Mayor Hoag stated that this ordinance has been discussed at length during previous meetings. Attorney Woodward briefly summarized this ordinance, stating that the Township has been in negotiation with Patriot Media for some time. The Cable TV Committee's contribution to this project has been significant as Patriot Media will contribute \$38,500 toward the purchase of equipment for the production of television programs, which will be available to the township and school system. Chatham Township will have a sole access cable channel to broadcast events of municipal interest, including board and township committee meetings. Patriot Media has already upgraded the service to fiber optic. The township has a commitment from Patriot Media that they will work with the Tree Protection Committee relative to tree trimming, provide residential

notification prior to trimming, and to take the course of action necessary should emergency tree service be required. A 15-year franchise will be granted.

Mayor Hoag opened the hearing on Ordinance 2004-010 to the public.

1. Tom Salvas, 12 Lisa Drive, representing the Cable TV Committee, provided a detailed summary of accomplished goals set by the committee to provide resources and infrastructure to the community in order to enhance communication. Mr. Salvas also said they were able to negotiate the funding from Patriot Media of video activity within the school district and get schools involved in educational access channel.

Deputy Mayor O'Connor thanked Mr. Salvas for the committee's technical expertise. Attorney Woodward said that one commitment the town would like incorporated in the agreement with Patriot Media would include upgrading as soon as possible when new technologies become available.

Mayor Hoag closed the hearing on Ordinance 2004-010 to the public.

Administrator Ciccarone extended gratitude to Mr. Salvas and the rest of the Cable TV Committee, stating that he has been fortunate to participate on the committee with so many bright and likeable individuals in the community.

Committeeman Brower moved to adopt Ordinance 2004-010. Deputy Mayor O'Connor seconded the motion.

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

Consent Agenda

Administrative Ciccarone advised the Township Committee that Resolution 2004-116, Supporting the Volunteer Tuition Credit Program, offers volunteer firemen and rescue squad members college reimbursement at no cost to the township. Committeeman Brower questioned what was getting amended in Resolution 2004-121, Amending 2004 Budget. Administrator Ciccarone advised that this Resolution is an amendment that appropriates \$2,405.72 received as a state grant for the emergency management operations. A plan was submitted last year for state and local all hazards emergency operation planning program, all requirements were satisfied and the grant was approved for the purchase laptop computers, which will provide mobile capabilities for emergencies. Committeeman Brower identified two questions relative to Resolution 2004-114, Receipt of Reports, yet first commended Chief Elizabeth Goeckel on the resolve of theft at the high school. Pertaining to his questions, residents have contacted him relative to "No Parking" signs on Hickory Place, which are not being observed. Committeeman Brower requested that signs alerting travelers of the no parking situation be posted facing Green Village Road which may also avoid tickets and would be good for public relations. Mayor Hoag stated that this exchange of ideas could be placed on the list under Discussion Items. Committeeman Brower questioned Resolution 2004-119, Payment of Bills, requesting that the following be documented in the minutes: Page 2, \$12,114.57 to Hatch Mott MacDonald; Page 3, \$238 to Marshall Frost, Associates; Page 6, \$522 to Hatch Mott MacDonald; Page 7, \$9,995 to Hatch Mott MacDonald; and Page 7, \$1694.75 to Hatch Mott MacDonald.

RESOLUTION 2004-114

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 reports of departments for the month of April 2004, be acknowledged as received.

RESOLUTION 2004-115

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 property; 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>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
114	17	Timothy Delaney Kirkland DeLaney 29 Mitchell Avenue Chatham, NJ 07928	\$ 1,953.83

RESOLUTION 2004-116

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO SUPPORT AND PARTICIPATE IN THE VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, C. 145)

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Township of Chatham; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham in the County of Morris that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that Thomas E. Ciccarone, Administrator is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145, a copy of which is herewith made part of this resolution.

RESOLUTION 2004-117

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	June 26, 2004	Green Village Volunteer Fire Department 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2004-118

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING KIWANIS CLUB OF MORRISTOWN COUNTRY SQUIRE 5K & 10K RUNS.

WHEREAS, The Kiwanis Club of Morristown is sponsoring the Country Squire 5K & 10K Runs on Sunday, September 12, 2004, and

WHEREAS, the route for the runs includes streets in the Township of Chatham, and

WHEREAS, The Kiwanis Club of Morristown has made application to the Township of Chatham for permission to conduct the runs upon the streets of the Township, and

WHEREAS, The Kiwanis Club of Morristown has provided the Township with a Certificate of Insurance naming the Township as an additional insured,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that permission is hereby granted to the Kiwanis Club of Morristown to conduct its annual Country Squire 5K & 10K runs upon the streets of the Township as shown on the route map attached, on Sunday September 12, 2004.

RESOLUTION 2004-119

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 \$288,258.91 be paid.

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

RESOLUTION 2004-120

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR CHATHAM TOWNSHIP PBA LOCAL #170

WHEREAS, state regulations require municipal governing body approval for the use of fireworks displays; and

WHEREAS, the Township has received an application to conduct a fireworks display by the Chatham Township PBA Local #170 on June 19, 2004 at Shunpike Field, and

WHEREAS, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves the Chatham Township PBA Local #170 Fireworks Application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

RESOLUTION 2004-121

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2004 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$2,405.72 from the State of New Jersey and Local All Hazards Emergency Operation Planning Program (SLAHEOP) and wishes to amend its 2004 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$2,405.72 which is available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

State and Local All Hazards Emergency Operation Planning Program
(SLAHEOP)

BE IT FURTHER RESOLVED, that a like sum of \$2,405.72 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

State and Local All Hazards Emergency Operation Planning Program
(SLAHEOP)

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

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

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

Discussion Items

1. **Sanitary Sewer Connection Request:** Administrator Ciccarone advised that this item was previously discussed and pertains to an application received from Maria Curtis, a Mountain Avenue resident. Ms. Curtis requests approval for emergent relief to connect to the sewer system. Subsequent to meeting with Administrator Ciccarone, Ms. Curtis advised him that the septic system was substandard and the report was sent to the Health Officer and Engineer Michael Bennett. Mrs. Curtis was present to answer any questions. Engineer Bennett stated that he reviewed the application to connect to the system and a report on the inspection, which indicates that it is substandard as it is a converted cesspool that was not converted in its entirety to a system that would meet the criteria of today's standards. Engineer Bennett contacted the Madison Health Officer to determine if the septic system could be repaired, however, he has not received a return call. One requirement may include a temporary construction easement from another Mountain Avenue resident in order to extend the sewer; however, that would be determined upon review of the complete design. Determining exact property boundaries and easements would be necessary. Engineer Bennett's conclusion is that it is possible to extend the sewer service, although it may be a difficult construction job. Feedback from the Board of Health is pending. Deputy Mayor O'Connor asked, relative to the house being sold, how long it would take to do this work on this property from the design phase to the completed construction phase. Engineer Bennett stated a four to six week period could be possible if done on an expedited basis. Administrator Ciccarone advised the Committee that this project is at no cost to the Township and Ms. Curtis will be held financially responsible for the project. Committeeman Brower asked if the existing system did fail, if there would be a problem putting in a new septic system due to the slopes. Engineer Bennett stated that this is the issue. Committeeman Brower stated he is in favor of helping this property owner.

Jerome Jabbour, the Attorney representing the property owner, stated that the report does claim that the system is in need of substantial repair. He stated that the problem is not that the system may fail; it is failing. Ms. Curtis answered some questions about the septic system and how often it is pumped. Administrator Ciccarone stated that he recommends that the Township Committee approve this request, but did question Ms. Curtis about the buyer's intentions and who was going to do the improvement and clarified that the buyer did not rely upon this approval before some other agency.

RESOLUTION 2004-122

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 42 MOUNTAIN AVENUE

WHEREAS, the Township Administrator has certified that all applications requirements for 42 Mountain Avenue, Block 39, Lot 13.01 including the payment of the administrative review fee have been met and that sewer capacity is available.

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 42 Mountain Avenue, Block 39, Lot 13.01.

Committeeman Brower made a motion to approve Resolution 2004-122. Committeeman DeMeo seconded the motion.

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

Committeeman Brower asked Engineer Bennett for the status of the sidewalk and DEP approvals. Engineer Bennett replied that he is still working with DEP and providing information for them to process the permit.

2. Request from National Multiple Sclerosis Society – MS Bike Tour: Administrator Ciccarone stated that the National Multiple Sclerosis Society made this same request last year and recommends that the Township Committee grant approval for this year's event. There was a brief discussion relative to the route and number of participants. Deputy Mayor O'Connor made a motion to approve the request from National Multiple Sclerosis Society's MS Bike Tour. Committeewoman Fair seconded the motion and the motion was unanimously passed. Committeeman Brower requested that this group publish the information in the newspaper as many participants stopped at such locations as Fairmount Country Club and Noe Pond Club for water and facilities. Administrator Ciccarone stated that he would advise the sponsors that the riders should not trespass on private property.
3. Notice from League of Municipalities: Attorney Woodward advised that there is a bill pending in the legislature that deals with the issue of civil rights violations. The purpose of the bill is to track a federal law, Civil Rights Act, in particular 42 US Code § 1983, in corroboration with the Civil Rights Attorneys Fees Act. If a party violates someone's civil rights and is found guilty, they can be held responsible for council fees and litigation costs. The notice indicates that the municipality may be held responsible for attorneys fees and litigations costs incurred by a resident who challenges one of the ordinances or any other claim based on their dissatisfaction. The League of Municipalities is requesting each municipality support their determination that the bill is too excessive in its present form by passing a resolution supporting same. Deputy Mayor O'Connor added that the proposed legislation contains no statute of limitations. Committeeman Brower thought the concept should be supported, but it should apply to both sides. Following discussion, Attorney Woodward advised it was better to let each side bear their own costs, but if the Committee wanted to support the concept, the loser pays, it could equally prevent people from challenging something. Attorney Woodward will prepare a resolution for the next meeting rejecting the current proposal. Committeeman Brower thought a suggestion should be made about what the Committee would approve. Committeewoman Fair suggested contacting Senator Kean and the Assemblymen.
4. Tree Committee: This Committee received Haylee Messing's resignation from the Tree Protection Committee. Brett Barry was nominated to replace Haylee Messing.

RESOLUTION 2004-123

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE TREE PROTECTION COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made to the Tree Protection Committee:

Full Member

Brett Barry

Deputy Mayor O'Connor made a motion to accept Haylee Messing's resignation and to appoint Brett Barry to the Tree Protection Committee. Committeeman DeMeo seconded the motion.

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

Hearing of Citizens

Mayor Hoag opened the second Hearing of Citizens. Hearing no one, Mayor Hoag closed the hearing to the public.

Administrator Ciccarone advised that he had one last issue to discuss with the Township Committee before going into Executive Session. He informed the Committee that a lawsuit was filed against the Township by Mr. Spraitzar regarding his original ADA complaint about the inadequate sound system. The Township has not yet been served, however Administrator Ciccarone stated that a call from a reporter at the Star Ledger advised him of the forthcoming suit.

Committeewoman Fair asked Chief Goeckel to have someone look at the potential issue relating to the drainage structures on the Oak Knoll Field and see if a guardrail is needed. Chief Goeckel responded that someone would investigate the issue. Committeeman Brower suggested that the Township Committee approach the County to put up temporary signs from Nash Field to the Skate Park. Chief Goeckel replied that while signs are a good idea initially, they get noticed only upon being placed in an area and soon thereafter are ignored. The result is they become an eyesore for people who have to look at them everyday. Committeeman Brower requested documentation in the minutes that he requested signs along that stretch of Southern Boulevard in the interim until the sidewalk is built.

Executive Session

RESOLUTION 2004-P-09

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.

Committeeman Brower moved to pass Resolution 2004-P-09 to go into Executive Session at 9:54 p.m. Committeewoman Fair seconded the motion.

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

The Committee returned from Executive Session at 10:16 p.m. Committeewoman Fair moved to adjourn. Committeeman Brower seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk