

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
JUNE 10, 2004**

Mayor Hoag called the workshop 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.

Prior to leading the flag salute, Mayor Hoag asked everyone to observe a moment of silence in memory of President Ronald Reagan.

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

Reports:

Mayor Hoag advised the Township had discussions with the County Park Commission and they are willing to do an infrared deer count on county parkland in the Township. If the Township would like the study expanded, the Township would need to cover the cost. The Deer Sub Committee will need to determine where this should be done dependent upon the costs.

Committeewoman Fair reported the Ten Towns Great Swamp Committee would be meeting on Wednesday, June 16, 2004 at 10:00 A.M., Mead Hall at Drew University. Committeewoman Fair advised the Ten Towns Great Swamp Committee was formed in 1994 to meet and make a recommendation to the DEP concerning sewers in town. The Great Swamp Management Planning entity came from this and the civic group, Morris 2000, thought it was best for the towns to address the regional issues on their own.

Committeeman Brower inquired about the status of the organizations that would do the deer culling. Administrator Ciccarone said he had not communicated with them since his last report and thought the County must do the population study first and then the goals could be established. Committeeman Brower disagreed and thought the Township should proceed with getting the costs. Mayor Hoag advised the Township should have the costs from the County within a week or two. Administrator Ciccarone said the costs to remove each deer was provided from two companies, but the town needs to establish a goal as to how many deer are to be removed.

Approval of Agenda

Mayor Hoag advised the Florham Park Settlement Agreement listed under discussion would need to be discussed in Executive Session. Committeewoman Fair requested adding discussion concerning the safety factor by the culvert at the Oak Knoll property. Committeeman Brower said he had three items for Executive Session.

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

Hearing of Citizens

Mayor Hoag opened the hearing of citizens to the public.

1. Peter Hofmann, 82 May Drive, said he would like information on Woodland Park and explained that he wants to see the track record of how the Township went from the ordinance to acquiring the 6.6 acres and doing work on school district property. Mr. Hofmann also asked to see the recommendation from the Recreation Committee to purchase and develop these 6.6 acres for recreation. Mayor Hoag replied there were discussions with the school board, and representatives from the senior center, the

recreation departments in the Borough and the Township, and the Administrators from both towns looking into how to utilize the property. Mayor Hoag advised the 6 acres in the Township and the ½ acre in the Borough is not all going to be disturbed because of the wetlands and we are waiting for the full engineering study. Mr. Hofmann also asked who authorized Hatch, Mott, MacDonald to draw any plans that had anything to do with School Board property. Administrator Ciccarone said an RFP for engineering services for the development of Woodland Park had been done and both the Township Committee and the Borough awarded the contracts in the first quarter of 2003 and the cost was split. In addition, the bond ordinance was approved for \$1.1 million for the development of Woodland Park and the playground equipment for Esternay Field`.

2. William Spraitzar, 1 Joanna Way, asked several questions about Ordinance 2003-004 and stated he found differences in the figures he calculated. Mr. Spraitzar questioned the \$76,500 that came from the bond ordinance and the \$55,000 on page 41 in the 2003 Budget. Administrator Ciccarone explained the \$76,500 was for the award of the contract to Hatch, Mott, MacDonald for engineering, and the \$55,000 is the capital budget section that is a 6 year plan and does not authorize any spending. Administrator Ciccarone further explained the \$55,000, 5% of the total amount authorized, is the down payment on the bond ordinance and that the current fund is the operating budget for daily operations. Administrator Ciccarone clarified the bond ordinance creates the spending authorization. Mr. Spraitzar thought that the budget and how money is spent is not clear. Administrator Ciccarone offered to review the budget, annual audit and annual financial statement with anyone interested.
3. George Kurzenknabe, Washington Ave., Morristown, referred to the Bailey Brower Watch Dog Report dated June 2004 and said that he took exception to the comments Committeeman Brower made alluding to the former Chief of Police with regard to Buxton Road radio system project. The former Chief said the statements made were not true, that he should have checked with him first and would appreciate that Committeeman Brower check his facts in the future. Former Chief Kurzenknabe said with regard to the Buxton Road project, he went through the proper protocol and channels to be sure they were doing everything right. The former Chief also urged the Committee to use due diligence in pursuing the problems with communication within sections of the town. Committeeman Brower said that he thought that neither George Kurzenknabe nor the Township Administrator had brought this before the Planning Board or the Board of Adjustment at that time. Administrator Ciccarone clarified that he took responsibility for not presenting this to the Planning Board and that the Chief did what he was supposed to do and should not be criticized.
4. Jack Hartford, 508 Fairmount Avenue, said he had visited with the residents at Juniper Village and thought there was no safe way for them to cross the street to the shopping mall. Mr. Hartford asked whether this concern has been looked into and whether this could be a more pedestrian friendly area for all the residents. Mayor Hoag responded the Planning Board is looking at the sidewalks, tree scapes, and lighting in that area. Administrator Ciccarone advised that he had inquired with the County in the past and the Juniper Village residents are suppose to cross at the crosswalk with the light and that the County thought putting in another crosswalk might be a dangerous situation. Mayor Hoag added another potential dangerous situation for pedestrians is that cars coming east on Shunpike can make a right turn at the light and that should also be looked into. Committeeman Brower thought we should place signs that pedestrians have the right of way. Administrator Ciccarone said it is State law, but the County might be able to provide signs.

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

Consent Agenda

RESOLUTION 2004-124

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>
	72000	
Frank & Lucille Plantemoli 436 River Road Chatham, NJ 07928	38992	\$143.00
Frank Shoher 121 Long Hill Lane Chatham, NJ 07928	38996	\$15.14
Nicholas Parisi 581 River Road Chatham, NJ 07928	38983	\$132.50

RESOLUTION 2004-125

**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>
62.02	14	Donovan, Sean & Kathleen 477 Fairmount Avenue Chatham, NJ 07928	\$1608.57
86	4	Borenius, Jennifer & John 17 Yarmouth Road Chatham, NJ 07928	\$1814.39

RESOLUTION 2004-126

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE
RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF
CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2004**

WHEREAS, applications for the renewal of Alcoholic Beverage Licenses in the Township of Chatham for the fiscal year beginning July 1, 2004 have been made by Charlie Brown's of Chatham, Inc., Fairmount Country Club, Inc., and Nimit Wines Inc;

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

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver a plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2004, as follows:

To Nimit Wines Inc., trading as the Hickory Wine Cellar, for premises situate at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-006).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver plenary retail consumption licenses for the fiscal year beginning July 1, 2003, as follows:

To Charlie Brown’s of Chatham, Inc., for premises situate at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-007).

To Fairmount Country Club, Inc., a private club for members only, for premises situate at 400 Southern Boulevard, Chatham Township, New Jersey (Lic. No 1405-33-001-002).

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

RESOLUTION 2004-127

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR THREE (3) NEW 4WD TRUCKS

WHEREAS, the Township Committee of the Township of Chatham has received bids for **THREE (3) NEW 4WD TRUCKS** and,

WHEREAS, “Certification of Availability of Funds” is annexed hereto:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on this day, June 10, 2004 that:

1) Contract for: Three (3) New 4WD Trucks be and is hereby awarded to:

BEYER BROS. CORP.
FAIRVIEW, NJ 07022
On their low bid of \$78,992.00

2) The exact title of the appropriation to be charged is: Bond Ordinance 2004-007.

3) This Resolution shall take effect immediately.

RESOLUTION 2004-128

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BLOCK PARTY AND AMPLIFIED OUTDOOR MUSIC

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following are, hereby, granted authorization to use Lisa Drive between Dogwood Drive and Susan Drive for a neighborhood block party and, in accordance with the Township’s noise ordinance, to use amplified music outdoors, but allowing emergency vehicles access and controlling music volume to minimize any inconvenience to neighbors:

1. The Whites, 48 Lisa Drive, from 12-8 p.m., Saturday, September 18, 2004,

(rain date Sunday, September 19, 2004).

BE IT FURTHER RESOLVED that the Township Clerk forward a copy of this Resolution to the Police Department, no later than Friday, September 17, 2004.

RESOLUTION 2004-131

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING AARON ROTH AS LABORATORY TECHNICIAN FOR WATER POLLUTION CONTROL PLANTS #1 AND #2

BE IT RESOLVED by the Township Committee of the Township of Chatham that Aaron Charles Roth be, hereby, appointed to the position of Laboratory Technician for Water Pollution Control Plants #1 and #2 effective July 6, 2004. The terms and conditions shall be governed by the Teamsters contract.

RESOLUTION 2004-132

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF THE OCCUPANT PROTECTION “CLICK IT OR TICKET 2004” HIGHWAY SAFETY GRANT FROM THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, the Chatham Township Police Department has applied for the Occupant Protection “Click It or Ticket 2004” Highway Safety Grant from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State has awarded a Grant to the Township of Chatham, in the amount of \$5,000.00; and

WHEREAS, the Grant will pay for Police Officers to work overtime to enforce laws affecting the safety and welfare of the streets of Chatham Township and to educate and encourage the public on the benefits of safety belt and child passenger safety seat restraint use;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Chatham to accept the Grant from the State of New Jersey and authorize the Mayor and Chief Financial Officer to sign the Grant Acceptance Conditions.

Before voting on the Consent Agenda, Committeeman Brower questioned why the trucks were being replaced all at once rather than over three years. Administrator Ciccarone advised Public Works has a replacement equipment schedule that is followed. Public Works Manager Joe Smith said it depends on the equipment and the money available in the capital outlay and their needs. Mr. Smith further explained that used vehicles will go for public auction and the money received goes into a general fund.

Committeeman DeMeo moved to approve the Consent Agenda. Deputy Mayor O’Connor seconded the motion.

Committeeman Brower asked to amend the motion, that Resolution 2004-129 be pulled from 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.

The Committee then voted on the amended Consent Agenda as follows.

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

RESOLUTION 2004-129

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY DECLARING ITS
OPPOSITION TO THE PROPOSED NEW JERSEY CIVIL RIGHTS ACT, A-2073/S-
1558, AS DRAFTED**

WHEREAS, the State Legislature has proposed legislation known as the New Jersey Civil Rights Act (the Act), A-2073/S-1558, which legislation would, in pertinent part, allow the court to award of counsel fees in addition to any other relief awarded in an action brought pursuant to the Act; and

WHEREAS, the Act, as drafted, contains no provisions for the award of counsel fees to the municipality or other government entity in the event such entity prevails in the litigation nor is there adequate protection from frivolous claims by litigants; and

WHEREAS, the impact on municipal tax rates and taxpayers has not been calculated, but is potentially enormous; and

WHEREAS, the potential liability of individuals will discourage volunteers from participating on governmental boards and agencies; and

WHEREAS, the legislation as drafted contains no statute of limitations nor any language making the Act prospective only

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it wishes to express its opposition to the New Jersey Civil Rights Act, as drafted, for the reasons set forth above and requests that the legislature modify its provisions to better protect the public entities, their employees and volunteers from frivolous litigation; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to circulate this resolution to the members of the State legislature, to the Governor, and to the New Jersey State League of Municipalities.

Committeeman Brower said the key issue is to try to make towns responsible for their actions and to make them pay the attorney's fees and damages when the town actively works against some applicant. Committeeman Brower thought the concept is good, but they have brought in the possibility of this occurring in schools or people taking disciplinary action against an alcoholic license. Committeeman Brower said that he thought towns should be as responsible as a private citizen is on bringing or causing law suits against the private citizen.

Attorney Woodward said there were some wording problems with the drafting of this act and there is no provision for fees shifting except one way.

Deputy Mayor O'Connor moved to pass Resolution 2004-129. Committeewoman Fair seconded the motion.

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

Committeeman Brower asked that the vote be recorded in the letter that will be sent out.

Discussion: possible ordinance or resolution

1. Safety issue by Oak Knoll property- Chief Goeckel said Lt. Katsakos looked at the situation following rain and since there was no water in the area, the drainage system must be working effectively. Lt. Goeckel said if children go down there, it is not a steep slope and they could climb back up. Lt. Goeckel thought if any improvement were needed, it would be to put a wide grate over the pipe. Lt. Goeckel advised there are similar situations at Fairmount Commons and near Southern Boulevard School and they have not had a problem with children going down into them. Lt. Goeckel suggested a wide grate might help so no one could go into the pipe.

Hearing of Citizens

Mayor Hoag opened the second hearing of citizens. Hearing no one, Mayor Hoag closed the hearing.

RESOLUTION 2004-P-10

**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.

Mayor Hoag moved to go into Executive Session at 8:35 p.m. and said they may be coming out to consider Resolution 2004-130. 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.

The Committee returned from Executive Session at 9:10 p.m. Committeewoman Fair moved to adjourn. Deputy Mayor O'Connor seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk