

**TOWNSHIP OF CHATHAM  
COMMITTEE MEETING MINUTES  
JUNE 24, 2004**

Deputy Mayor O'Connor called the 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.

Deputy Mayor O'Connor led the flag salute.

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

**Approval of Agenda**

Deputy Mayor O'Connor announced that Administrator Ciccarone would provide a chronology of the Rieck house move before the Police Departmental Report. Citizen's comments and questions will be addressed following the Administrator's report.

**Reports**

Committeewoman Fair advised the Township was presented with a framed poster of the Fishawack Festival that was held a week ago. Committeewoman Fair also said she attended a meeting at which the person in charge of economic development for Morris County spoke about the concerns that 32% of office space in Morris County is vacant and that clerical workers, volunteers and secretaries must be imported because they cannot afford to live in Morris County.

Committeeman Brower asked about the status of the deer contracts. Administrator Ciccarone advised he had just received his letter today and will copy his response to everyone next week.

Administrator Ciccarone advised that Mr. Rieck had received the necessary approvals from the Township to move his house. He had obtained a demolition permit, a foundation permit, an approved lot-grading plan, and deposited funds to pay for off duty police officers. Administrator Ciccarone advised the actual move was under the jurisdiction of Morris County, since Meyersville Road is a County road. The Board of Chosen Freeholders adopted Resolution 22 on June 9, 2004 that granted approval to close Meyersville Road for a period from 9:00 a.m. to 4:00 p.m. The County Shade Tree Commission granted approval on August 12, 2003 to remove three branches in front of 48 Meyersville Road. Mr. Rieck encountered problems the day of the move with trees obstructing the route. The County directed that whatever needed to be done within the County right of way be done to get the road reopened. The County has not yet determined what enforcement action to be taken for removing more trees than previously authorized. The axle broke, in addition to the tree obstructions, as the house was being moved onto the lot and therefore Meyersville Road remained closed and kept the power company from restoring electricity. During the time repairs were being made, rain delayed the move further. The cost to the Township was a little over \$4,000 to close the Municipal Building for the day. The house still needs to be placed in its final position on the lot. The power company will complete their restoration work this evening.

Deputy Mayor O'Connor asked the Committee if they had any questions. Committeewoman Fair expressed horror and sympathy with the residents and Mr. Rieck. Committeeman Brower questioned if a bond was posted by the contractor or mover to cover damages. Administrator Ciccarone said nothing was posted with the Township, but a \$2 million insurance policy was provided to the County, naming the County as an additional insured. Committeeman Brower thought in the future the Township should require a bond. Attorney Woodward said this move was on a County road and therefore under County jurisdiction and Mr. Rieck and the mover should have the proper insurance. Deputy Mayor O'Connor gave his condolences to the people that were impacted by this and asked Administrator Ciccarone what lessons were learned.

Administrator Ciccarone said it would have been handled differently if this had taken place on a municipal road, rather than a county road, and the Morris County engineering department handled this.

Deputy Mayor O'Connor opened the hearing of citizens to the public.

1. Ray Connors, 48 Meyersville Road, said he thought the maximum gross weight for vehicles is 80,000 pounds and said the house weighed over 150,000 tons. Mr. Connors was concerned if there was damage to the gas, water, sewer lines that might not be evident now.
2. Tim Walters, 42 Meyersville Road, was concerned with Mr. Ciccarone's statements that this is a County problem. Committeewoman Fair thought the County should have had better communications with the Township and the residents. Administrator Ciccarone said the trees in the county right of way do not come under the jurisdiction of our ordinance.
3. Fran Eber, 21 Meyersville Road, asked who was protecting the citizens of Chatham Township and said that she thought the Police were not representing her, but Mr. Rieck. Mrs. Eber also questioned the decision to do this on a school day and thought her rights were violated. Mrs. Eber believes the Township should be representing the people of the Township and that the Township should be fighting for the citizens. Administrator Ciccarone said if they went outside the right of way and damaged her property, she has the right to assert a claim against them. Committeewoman Fair thought a strong case should be made to the freeholders that this never happen again without prior notification to alert the residents and the Township. Attorney Woodward said the Township could assist the people in making claims, finding out the details of the insurance policies and possibly claims could be forwarded to the Township and the Township could send them in. Attorney Woodward thought the claims would be against Mr. Rieck, the people who cut the trees and the moving company. Deputy Mayor O'Connor thought the best we can do is to learn from this and try to be responsive to our citizens. Attorney Woodward suggested a list be provided of the names and addresses of the persons who claim they have been injured and the value of that injury.
4. Franklin Mielnick, 16 Meyersville Road, said the character of Meyersville Road has been changed for 15 or 20 years and nothing can be done to recreate it. Mr. Mielnick though was still happy to see the house in the neighborhood.
5. Ruth Connors, 48 Meyersville Road, advised the three tree limbs were removed last October and the County had told her that nobody said he could cut down anything additional. Mrs. Connors also said she had tried to contact several people about the move and was not able to get through to the Administrator, Mayor, Town Hall or Police. Mrs. Connors said she had talked with the man in charge of moving the house and he stated he had pointed out to Mr. Rieck last year every tree and limb that would be a problem and Mr. Rieck chose to ignore these obstacles. Mrs. Connors thought Mr. Rieck got his way at the expense of every resident on Meyersville Road. Administrator Ciccarone clarified the County did not give Mr. Rieck any kind of blanket approval, but he had the permit to remove three limbs from one tree and when problems were encountered on the day of the move, he was told the County engineers department said if it was in the right of way, it could be removed. Administrator Ciccarone also said he was available on Tuesday.
6. Richard Eber, 21 Meyersville Road, also asked why the house was backed up when they ran into problems and felt the town did not protect them. He stated that it is not going to be same on Meyersville Road for the next 20 or 30 years.
7. Bob Gallop, township resident, thought the Police should not have been in charge of interpreting permits. Administrator Ciccarone said the County was told there was a problem and gave the response over the phone rather than dealing with it.
8. Dan Miller, 465 Green Village Road, inquired as to whether the Township had foreseen problems when the house was not moved on Election Day. Administrator Ciccarone said it was foreseen that the road would be closed and the power would be interrupted for short periods of time and did not want the residents to risk encountering those disturbances while exercising their right to vote. Mr. Miller was upset that the residents were not notified that there would be potential power interruptions. He also stated that there was not only a lack of communication between the County and Chatham Township; but, there was a lack of communication at the Township level back to the residents.
9. Ray Connors, 48 Meyersville Road, stated that while they were attempting to cut his tree, he had asked the police if a county judge could be contacted to get an injunction until

someone with authority could be available to make decisions. Attorney Woodward replied that if emergent relief is sought through the court, there is always an emergent judge to hear such applications.

Since there were no further questions about this issue, Deputy Mayor O'Connor asked the residents if there was a point person who could be contacted in order for the Township to follow-up. Committeewoman Fair recommended a sign-in sheet. Committeeman Brower suggested that the residents act in unity and evaluate their losses jointly, and hire one attorney to represent them before the County for a timely and cost-effective solution.

10. Peter Hofmann, 82 May Drive, referred to the Oak Knoll Planning Board application and Mr. Heyl's article as it relates to a right-of-way. Mr. Hoffman quoted Mr. Heyl's article and questioned the legitimacy of a right-of-way to access Nash Field. Committeewoman Fair provided a brief statement as to the history of the application and responded that the application was submitted by Braemar Developers who granted a trail easement requested by the Open Space Committee. Committeewoman Fair further stated that when the Committee asked the same of Oak Knoll, however, they declined. Mr. Hofmann asked why the Township did not try to purchase the property from Braemar or Art Heyl in lieu of getting a freebie. Committeewoman Fair responded when land is being developed the Master Plan is reviewed, and this was a logical route to connect the Loantaka Bike Path with Chatham Township.

Referring to the earlier report given by Committeewoman Fair relative to Morris County office space and support staff issues, Mr. Hofmann asked what is going to be done about the need for affordable housing. He stated that there is so much available space that it should accommodate more affordable housing. Committeewoman Fair stated that the Planning Board will be re-examining this topic.

In responding to Mr. Hoffman's inquiry, Committeeman Brower referred to two cases; one case was based on the demands the builder put on the town and the second was based on demands the town put on the builder. Committeeman Brower stated that the Planning Board could have referred this decision about the fields to the Township Committee if they thought the application would suffer repercussions. Committeeman Brower added that a "share deal" proposal could have been offered to the Township Committee. Committeewoman Fair referred to the Resolution of Approval, page 7, stating in part "... Oak Knoll would be willing to work with the Township to schedule activities on the fields working through the Recreation Department."

Since there were no further comments from the public, Deputy Mayor O'Connor closed the public session stating that he wanted to reiterate the Meyersville Road situation. He addressed that the community should work as a group, acknowledged that the situation could have been dealt with better, recognized that the County should have been more responsive, and emphasized that lessons in the art of communication have been learned. Committeewoman Fair emphasized an earlier comment made by Mr. Connors and urged that damage done subterraneously should be investigated by the County at the Township's insistence.

At this time in the meeting, Deputy Mayor O'Connor stated that "Reports" would be continued.

### **Reports**

**Police Departmental Report:** Chief of Police Elizabeth Goeckel presented the Police Department's report from a comparative period of January 1, 2003 to June 1, 2003 versus January 1, 2004 to June 1, 2004. Chief Goeckel provided an extensive overview of the report to the Township Committee. Calls for service, incident and accident reports, motor vehicle stop summonses, warrant arrests, DWI's, suspended drivers, suspicious activity calls, local ordinance violations, domestic violence, burglar and fire alarm calls, and house checks (vacant) have all increased with the exception of medical calls and fire calls. The 39% increase in motor vehicle summonses issued is the result of the "Click-It and Ticket" program. Accidents have dropped 25%. Vehicle repair and maintenance costs have decreased as a result of having newer vehicles and expanded fleet. Crossing guards have helped in reducing the number of police hours on school posts. Proactive investigations are down; however, surveillance hours have increased. This year, bureau staffing has returned to normal staffing, which was established in 1997.

Property damage cases has decreased. Administrative investigations have also increased. Community outreach programs continue with emphasis on developing projects.

Pending projects include a new alcohol tester unit, reverse 911 system (provided free by Morris County Office of Emergency Management), and an enhanced 911 system. Alarm panel renovation/repair costs will become exorbitant; therefore, it is suggested to use a certified monitoring agency, which will enable the police department to keep up with new regulations. Mobile data terminals, which access the state computer, DMV records and the national computer (NCIC), and interact with headquarters CAD system (to allow silent dispatch) were placed in two of the 13 cars. However, they are not operational as the terminals were disconnected by the county, which was the result of the frequency they were operating on was taken back by the FCC. New systems are being researched and Chief Goeckel is in contact with two vendors.

Intertech Associates has conducted an initial survey relative to the radio system; however, the report is incomplete. Additional information has been requested. Chief Goeckel has been in contact with Motorola, who has the State contract, and they will provide an engineer to look at the radio system problem and suggest a mobile solution. This concluded Chief Goeckel's report.

After a brief discussion among the Township Committee Members and Chief Goeckel, Chief Goeckel responded to the following points:

Committeewoman Fair questioned the residents' responsibility in utilizing a new alarm system, and questioned whether the homeowners would have to make private arrangements. Chief Goeckel described the process, stating that companies such as Wells Fargo, ADP, etc. are certified stations, which have certain regulations they must keep up with. A resident's alarm would go to the monitoring station first and then to the police. Service to the homeowners will not change, yet this change is primarily the result of many police stations not being able to keep up with the changing regulations.

Committeeman Brower questioned the fee that the residents pay to the Township, and what fees will be incurred by the homeowners to update their existing alarm systems in order to be compatible with the new system. Chief Goeckel stated that there would be a monthly fee incurred by the residents and that their existing systems would need to be reprogrammed. Chief Goeckel advised these changes are necessary as the police department is unable to keep up with the new standards.

Deputy Mayor O'Connor opened the meeting to the public for questions to Chief Goeckel.

1. George Kurzenknabe, Washington Avenue resident, Morristown, commented about the history of the alarm system. He stated that the alarm companies have sophisticated equipment and the police system is obsolete and has no back-up. When it failed, all the residents on the alarm system had to be notified to let them know that they had no protection. Former Chief Kurzenknabe agreed that the police department should be looking at this alternative process.
2. Ed Rebholz, 351 Woodland Road, Madison, questioned if the 911 reversal could be used to make public notices, i.e., community events, public meetings, etc. Chief Goeckel responded that it may be used for such purposes, however, there is a .35¢ charge per call. Calls on an emergent basis will incur no fees for the call.

Committeeman Brower stated that he disagrees with public notice usage and that the 911 system should only be used for emergencies. It should not be another source of spam coming into the homes of residents. While Mr. Rebholz agreed with this statement, he responded that the usefulness of such a system could have been used during the Meyersville Road house-moving situation and could have notified the area residents of potential setbacks prior to incurring them. Committeeman Brower stated that there are some gray areas, but agreed that the Meyersville Road situation was clearly a very important situation. Mr. Rebholz agreed that certain policies should be put in place on the type of public notice calls that could be allowed.

Deputy Mayor O'Connor closed the public session at this time.

**Public Hearing/Final Adoption of Ordinances**

None.

**Introduction of Ordinances**

None; however, the Bond Ordinance for the special assessment of the Johnson Road sewer project, will be introduced at the next meeting.

**Consent Agenda**

Committeeman Brower requested that “Resolution 2004-133-Payment of bills” be pulled from the Consent Agenda.

**RESOLUTION 2004-134**

**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 May 2004, be acknowledged as received.

**RESOLUTION 2004-135**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING ENDORSEMENT OF TREATMENT WORKS APPROVAL FOR BLOCK 135, LOTS 19 & 19.01, SHUNPIKE ROAD, TOWNSHIP OF CHATHAM AND BLOCK 4315, LOT 13, MADISON BOROUGH**

**WHEREAS**, Rose Pond, LLC, have, through their engineer Schoor Depalma, Inc., applied for municipal endorsement of a Treatment Works Approval to construct a sewer line extension in the sewer service area of WPCP #1 to serve the Valle Estates, Block 135, Lots 19 & 19.01, Shunpike Road, Township of Chatham and Block 4315, Lot 13, Madison Borough; and

**WHEREAS**, said application has been reviewed and approved by the Township Engineer;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that endorsement of the Treatment Works Approval for Block 135, Lots 19 & 19.01, Shunpike Road, Township of Chatham and Block 4315, Lot 13, Madison Borough is hereby approved and the Township Administrator is hereby authorized to execute said endorsement.

**RESOLUTION 2004-136**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING COLONY POOL REFUNDS**

**WHEREAS**, the Colony Pool Advisory Committee has recommended that the following requests for refunds of Colony Pool fees be approved;

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>AMOUNT</u></b>
Marion Grove	20 Norman Road Upper Montclair, NJ 07043	\$455.00
Thomas J. Mullin	16 Dale Drive Chatham, NJ 07928	\$425.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the above listed Colony Pool refunds be approved.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Chatham that the Township Clerk forward a certified copy of this resolution to the Township Chief Financial Officer and to the Recreation Director.

Committeeman Brower moved to approve the Consent Agenda as amended. Committeewoman Fair seconded the motion.

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

Committeeman Brower recommended that "Resolution 2004-136-Authorizing Colony Pool membership funds" be amended in the future to include a penalty charge for those members who seek a refund due to a change in vacation plans. Attorney Woodward stated that this could be justified as a processing fee and it would encourage people retaining memberships. Mrs. Fair stated that last year's refunds were refunded in part, not in whole.

Relative to "Resolution 2004-133-Payment of bills," Committeeman Brower asked that the following payments be recorded.

Hatch Mott MacDonald	\$12,918.76	Hatch Mott MacDonald	\$12,627.01
Hatch Mott MacDonald	\$ 4,149.50	Hatch Mott MacDonald	\$ 8,400.00
Hatch Mott MacDonald	\$ 1,275.00		

Deputy Mayor O'Connor requested that Mr. Ciccarone review the payments were appropriate and verify that the work was actually performed.

### **RESOLUTION 2004-133**

#### **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 \$485,208.88 and the prior month's payroll of \$352,688.01 Current Fund, \$35,347.98 Sewer No. 1, \$6,684.73 Sewer No. 2, and \$1,740.90 Police Private Employment be paid.

Committeeman DeMeo moved to approve Resolution 2004-133. Committeewoman Fair seconded the motion.

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

#### **Discussion: Possible ordinance or resolution**

Attorney Woodward requested that Patriot Media be added to the Discussion items.

1. Person-to-Person Transfer of Liquor license and Resolution 2004-137  
Administrator Ciccarone advised the Committee that they had previously approved the person-to-person and place-to-place transfer of this license formerly located at the Green Village Deli to Mr. Rebholz at the Cachet Gift Shop location. Mr. Rebholz would like to sell the license through a person-to-person transfer to be used at the same location previously approved. The police have completed their investigation and background checks. Committeeman Brower questioned if there would be wine tasting at this location. Attorney Woodward stated that the license allows for distribution, and consumption would probably not be allowed.

### **RESOLUTION 2004-137**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGARDING A PERSON-TO-PERSON TRANSFER OF A PLENARY RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1405-44-004-004, issued to Chatham Mall Fine Beverages LLC for an inactive license held at 650 Shunpike Road, Chatham, New Jersey;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham does hereby approve, effective June 25, 2004, the Person-to-Person transfer of the aforesaid Plenary Retail Distribution License from Chatham Mall Fine Beverages LLC to Kanhae Inc., and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Kanhae Inc., effective June 25, 2004."

Committeeman Brower moved to approve Resolution 2004-137. Committeewoman Fair seconded the motion.

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

2. Grant Application for Shared Services and Resolution 2004-138

Administrator Ciccarone previously requested authority to engage the services of Jersey Professional Management to write a grant application in conjunction with Chatham Borough for the purposes of seeking State grant monies for shared services.

Administrator Ciccarone had discussions with Dan Mason, a principal at Jersey Professional Management, and received a proposal to write the initial grant application at a cost of \$1,000 payable by both the Township and Borough, with half being paid upon the filing of the grant and other half being paid only if the application was approved. Subsequent telephone conversations with Mr. Mason included the scope of the grant and the consensus was to hire a consultant to do a study of the recreation departments, which would include the delivery of services, use of fields, and personnel needs, with focus on efficient economic improvements.

Administrator Ciccarone further advised that the application is due by July 1<sup>st</sup> and the turnaround time for a decision from the State would take approximately two or three months. At that time, we would engage the services of the consultant to perform the study. The funding would be \$14,000, with a 50% match of \$7,000 between the two towns, each contributing \$3,500. Chatham Township funds would come from the recreation trust fund account rather than the operating budget. Administrator Ciccarone requested approval for the filing of the grant application.

Administrator Ciccarone entertained questions and comments from the Township Committee, acknowledging that the funds are available and this item has been discussed with the recreation liaison, the Borough Mayor and Borough Administrator.

Administrator Ciccarone advised the division of responsibilities has been an informal agreement between the two-town recreation directors concerning responsibilities and liabilities, but other issues have arisen and there is a need to develop a formal relationship. Committeeman Brower stated that the liability issues are of great concern and added that the two towns should not have two different insurance companies. Committeeman DeMeo, the recreation liaison, clarified that discussions have taken place since the joint interlocal services agreement was signed for Woodland Park to formalize the recreation program in a more legal structure to include such things as a field maintenance schedule. Committeeman DeMeo further explained that the purpose of this application is to get professionals in the State who have performed these responsibilities in other towns to help formalize this relationship. Deputy Mayor O'Connor stated that this is a modest step forward, which he supports.

**RESOLUTION 2004-138**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM AUTHORIZING  
APPLICANT'S RESOLUTION FOR A FEASIBILITY STUDY**

**WHEREAS**, the Governing Body of the Township of Chatham and the Borough of Chatham have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local *SHARE* Program in the amount of \$14,000.00; and,

**WHEREAS**, the Township of Chatham has agreed to be the lead agency in this endeavor; and

**WHEREAS**, the Governing Body of the Township of Chatham, is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Borough of Chatham; and

**WHEREAS**, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

**WHEREAS**, the purpose of this grant is to promote shared services between our local units through the sharing of recreation programs, services and facilities that would be beneficial to both local units.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Chatham, that the Township of Chatham does hereby join with the Borough of Chatham in applying for a grant for the purpose of a feasibility study of such an endeavor; and

**BE IT FURTHER RESOLVED** that the Township of Chatham agrees to provide its agreed share of the required local match in the amount of \$3500.00 and to accept receipt of the local match requirements from the other participating local unit and to be responsible for its proper expenditure.

Committeeman DeMeo moved to approve Resolution 2004-138. Committeewoman Fair seconded the motion.

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

3. Radio Communications

Based upon Chief Goeckel's report, Administrator Ciccarone emphasized that seeking a solution to the radio communication system is ongoing. He believes that a solution will be available for discussion by the fall, including the identification of feasible locations and costs to the Township outlined and detailed.

To update last month's report with regard to Buxton Road, Administrator Ciccarone reported that the County has identified an alternate site and they are in the process of finalizing negotiations. Once the agreement is negotiated, it is subject to approval by the Board of Freeholders, which decision is pending. Committeeman Brower stated that he has discussed this situation with various firemen who have expressed that they have relied on their own cell phones for communication. Administrator Ciccarone stated that cell phones have been provided for the police department.

Administrator Ciccarone advised the next step would be for Chief Goeckel and her staff to meet with Motorola and possibly other vendors and the cost will covered by doing a bond ordinance. The Administrator also mentioned that Motorola has a State contract, but the Township Committee would still need to authorize it.

4. Rental of COAH Units

Attorney Woodward reported that he has worked closely with Ruth Sabonya, administrator/secretary of the affordable housing corporation, in dealing with resales and resident complaints. It appears that some people who own the units are renting them out, which goes against COAH regulations. Attorney Woodward is researching the situation and will advise the Committee next month.

5. New Stormwater Rules  
Committeewoman Fair stated that the deadline for submitting the Stormwater Pollution Prevention Plan and the Stormwater Management Plan is approaching. Administrator Ciccarone stated that he will ask the Township Engineer to prepare a proposal and discuss it at the next workshop meeting.
6. Florham Park Settlement Agreement and Resolution 2004-130  
Attorney Woodward reported that a Resolution has been prepared. In Executive Session at the last meeting, the wording was discussed and the correct language was implemented. Florham Park adopted a Resolution approving the settlement agreement, which is the same Resolution before the Committee at this time. Madison will have its meeting Monday night and Chatham Borough will follow. Attorney Woodward recommended adoption of the Resolution. After a brief discussion Attorney Woodward addressed the comments and questions of the Township Committee, and responded that this case involved a challenge to the redevelopment of the Exxon property as it related to a zoning Ordinance passed by Florham Township. Many issues were not taken into consideration when the Ordinance was written and the Ordinance was deemed invalid. A traffic study will be performed by Florham Park and Madison. Attorney Woodward stated that this Resolution is contingent upon all parties executing the document. The costs incurred by Chatham Township are approximately \$50,000.

**RESOLUTION 2004-130**

**A RECIPROCAL RESOLUTION OF THE  
BOROUGH OF FLORHAM PARK, BOROUGH OF MADISON,  
BOROUGH OF CHATHAM AND TOWNSHIP OF CHATHAM APPROVING  
SETTLEMENT OF LITIGATION CAPTIONED BOROUGH OF MADISON, ET AL. V.  
BOROUGH OF FLORHAM PARK, DOCKET NO. MRS-L-1465-02-PW**

**WHEREAS**, the Borough of Florham Park, the Borough of Madison, the Borough of Chatham, and the Township of Chatham (hereinafter, the “municipalities”) have been involved in the litigation regarding Florham Park Ordinance #22-02A governing development of the Exxon/Mobil property which was scheduled to proceed to trial on May 17, 2004; and

**WHEREAS**, the New Jersey Department of Environmental Protection adopted new stormwater management and control regulations on February 2, 2004, which include development requirements to demonstrate either (i) that the stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site or (ii) that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated and which the parties desire to confirm are now in effect and apply to development of the Exxon/Mobil property; and

**WHEREAS**, Florham Park and Madison have agreed to cooperate in preparation of a further traffic study in connection with the County of Morris and other interested municipalities to assess the regional impact of the effect of a Route 24 interchange at the Exxon Property and the further development it would allow under Florham Park Ordinance #22-02A; and

**WHEREAS**, Madison and Florham Park have agreed to submit and consider comments from each other regarding land use matters; and

**WHEREAS**, the Municipalities have historically acted in the spirit of cooperation and the governing bodies of the Municipalities have determined that termination of the lawsuit challenging Ordinance #22-02A, as set forth in the settlement agreement attached hereto, is in the best interests of their citizens; and

**WHEREAS**, each municipality will adopt this identical Resolution.

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

1. The Mayor and the Municipal Clerk are hereby authorized to execute the attached settlement agreement in the matter entitled Borough of Madison, et als v. Borough of Florham Park, et al., Docket No. MRS-L-1465-02 PW, and the Township Attorney is hereby authorized to sign the attached consent order, which dismisses the lawsuit with prejudice and without costs to any of the parties.
2. A copy of this Resolution shall be filed with the Court with the consent order and settlement agreement.

Committeeman Brower moved to approve Resolution 2004-130. Committeewoman Fair seconded the motion.

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

7. Patriot Media

Attorney Woodward stated that Patriot Media has acknowledged receipt and acceptance of the conditions of the Ordinance. They have also petitioned to the Board of Public Utilities to get their approval for this Ordinance. Contract dates run from 2004 to 2019, a 15-year term. Administrator Ciccarone stated that items to discuss at the next workshop include televising public meetings and the selection of equipment, as well as coordinating the videotaping with the school. Ann Dudley is the school liaison and she will be contacted accordingly. The estimated cost for the equipment is \$38,000. Committeeman Brower reiterated that the next work meeting will include discussion on the progress of televising public meetings.

8. Domestic Partnership Act

Administrator Ciccarone advised that the Domestic Partnership Act will become effective July 2004. This Act will provide legal protection against discrimination, certain medical rights, and New Jersey tax exemption. Pensions and health benefits will also be available to individuals that qualify under the terms of the Act. This applies to same sex couples under the age of 62 who file a statement or affidavit with the Registrar that they qualify under the Act and meet all the necessary criteria. A certificate documenting the partnership will be provided. Ramifications facing the Township, as a participating employer in the NJ State's benefit plan, is the option of extending health coverage to employees registered under this Act. It is mandatory for State employees. While it is unknown if any of the municipal employees will be filing such an affidavit, their partner and, if applicable, their partner's children, would be covered under the benefits plan provided by the Township. While a cost could be associated with coverage for additional family members, it would be necessary to make this practice a uniform policy; i.e., this practice could not be limited solely to those filing for domestic partnership. The two different pension systems the employees participate in would also incur ramifications. The Public Employees Retirement System (PERS), which covers non-police, non-public safety employees, would provide benefits to the domestic partner under accidental death claim. Under the Police and Firemen Retirement System (PFRS) would allow survivor benefits be extended to the domestic partners at some cost to the employer and Federal tax law.

Administrator Ciccarone entertained questions and comments from the Township Committee and further stated that this Act applies to same sex couples under the age of 62 and opposite sex couples over the age of 62. If this coverage was extended to the Township employees, the employees would have to provide the certificate obtained from any Registrar and would have to provide a copy of the certificate to the Township of Chatham to allow their partner to be included in the health benefits. There are two rates under the State plan; one for a single person and one for family, which is more than double the single rate. Enrollment in the State Health Benefits Plan would take 60 days. Administrator Ciccarone stated that the Township Committee needs to determine if they wish to extend employees benefit coverage to include domestic partners. If so, a resolution will need to be prepared.

Deputy Mayor O'Connor requested final comments from the Committee on the discussion items. Committeeman Brower stated that relative Mr. Hofmann's views on the rental of COAH units, it is important that the Township take action to enforce the policies and regulations. Attorney Woodward stated that the new rules will be pending adoption, which may take six months to one year.

**Hearing of Citizens**

Deputy Mayor O'Connor opened the Hearing of Citizens.

1. Joseph Kelly, Mountain Avenue resident, asked for information about the Bond Ordinance relative to Johnson Road sewer project. Administrator Ciccarone stated that the Bond

Ordinance would authorize the construction of sewers to service Johnson Road, parts of Mountain Avenue and River Road. All of the costs associated would be assessed against the properties that benefited.

2. Michael Dean, Chatham Borough resident, asked Committeeman Brower for his opinion on the Woodland Park Study by Thonet Associates. Committeeman Brower replied that he has not received anything. Deputy Mayor O'Connor stated that it was his understanding that due diligence was not done on the stormwater aspect. Administrator Ciccarone stated that the local newspaper provided him with a copy of the Thonet Study and that it would probably be presented when it goes before the Planning Board.
3. Peter Hofmann, 82 May Drive, stated that while he was one of the initial members of the Glenwood Housing Corporation, he was forced to resign when he became a member of the Township Committee. He questioned if there were active members of this group, if there had been any meetings, and if it was being handled primarily by Ruth Sabonya. Administrator Ciccarone stated that no one on the Township Committee is a member of the corporation, they have not had a meeting for some time, and that Mrs. Sabonya is the director and has handled all of the sales that have gone through. Since other situations have arisen, it is anticipated that Attorney Woodward will suggest that new members be appointed to the board. Mr. Hoffman stated that the COAH housing was an attractive idea that has been abused by many. He encouraged that enforcement be a priority. Administrator Ciccarone advised Attorney Woodward will determine what needs to be done.

Deputy Mayor O'Connor closed the Hearing of Citizens.

### **Executive Session**

#### **RESOLUTION 2004-P-11**

#### **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.

Deputy Mayor O'Connor moved to pass Resolution 2004-P-11 to go into Executive Session at 10:05 p.m. and said that they may be coming out of Executive Session to consider a personnel matter. 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 10:35 p.m. Committeewoman Fair moved to adjourn. Committeeman DeMeo seconded the motion and it carried unanimously.

---

Joy M. Wiley  
Municipal Clerk