

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
NOVEMBER 10, 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 November 4, 2004; notice was posted on the bulletin board in the main hallway of the Municipal Building on November 4, 2004; and notice was filed with the Township Clerk on November 4, 2004.

Mayor Hoag led the flag salute.

Answering present to the roll call were Committeeman DeMeo, Deputy Mayor O'Connor and Mayor Hoag. Committeeman Brower arrived at 7:35 p.m. Committeewoman Fair was absent.

Approval of Agenda

Prior to approving the agenda, Administrator Ciccarone added "January 1, 2005 Holiday" under Discussion. Deputy Mayor O'Connor moved to approve the agenda as amended. Committeeman DeMeo seconded the motion and it carried unanimously.

Special Recognition/Awards

Big Tree Contest: Mayor Hoag stated that the Tree Protection Committee sponsored the second annual Big Tree Contest. Parker Godwin announced that the contest was for 4th and 5th grade area residents to promote interest in and awareness of trees, as well as value. Ervin Hoag announced the winners: Julie Messing submitted the winning tree and received a \$100 savings bond; Bobby Miele turned in the second largest tree and received a \$75 savings bond; and Jean DeBiasse located the third place tree and received a \$50 savings bond. Mayor Hoag congratulated all of the students.

Reports

Mayor Hoag reported the following:

- Mayor Hoag reminded everyone that Veteran's Day would be honored on Thursday, November 11, 2004 and a ceremony will take place at Southern Boulevard School at 11:00 a.m.
- Mayor Hoag addressed the two new committee members and advised them that they are invited to the Executive Session meetings to inform them on any issues discussed in those sessions. She also extended an invitation to attend the League of Municipalities conference next week. She also encouraged them to take the Rutgers courses for newly elected officials in December.
- Mayor Hoag requested that either Administrator Ciccarone or Mrs. Wiley place the flu vaccine information on the website.

Committeeman DeMeo reported on the following:

- Relative to the Joint Recreation Program, discussions took place regarding the hiring of a consultant to look at various aspects of the program. A \$14,000 SHARE grant will be received by both the Borough and the Township to study shared recreation programs and services. A contract may be reviewed as early as the next meeting and then a proposal will be presented thereafter. Focus will be on formalizing the recreation programs, organization of the current boards, and field utilization.

Deputy Mayor O'Connor reported on the following:

- Correspondence was received from Pine Street residents relative to traffic issues. Deputy Mayor O'Connor read one letter aloud identifying daily safety issues and concerns and asked Chief Goeckel for comments. Chief Goeckel replied that she and Officer Curtis also received correspondence and the traffic study is underway. This time of year and in the spring, the traffic is due largely to youth using Cougar Field. There is selective enforcement and Officer Curtis is scheduled to meet with the neighborhood this month for input. Officer Curtis has spoken with the football coaches who are supportive of the

concerns and will discuss these issues with their players. Committeeman Brower questioned why parents were dropping children off on Lafayette rather than pulling into the school; if landscaping trucks could be regulated during certain times; and if there could be parking permitted during certain hours. Chief Goeckel advised that parents need to be educated so as not to drop children off in “No Parking” zones; landscapers are working during regular hours; and permitted parking timeframes will cause inconvenience to the residents living on the street as well. Chief Goeckel advised that the residents need to provide input. Committeeman Brower agreed that the neighbors should be asked for input and suggested the alternative of making the street a one-way. Chief Goeckel will advise of the meeting date Officer Curtis will be meeting with the neighbors and will ask for the school to send a representative.

Mayor Hoag also reported on the following:

- The Morris County Open Space Committee made a presentation to Freeholders and Morris County Open Space Committee has decided to give \$1,800,000 to Chatham Township for the purchase of the Kirby Estate. She said this was one of the largest grants ever given and she was pleased with this major grant.

Hearing of Citizens

Mayor Hoag opened the Hearing of Citizens.

1. Dan Miller, Green Village resident, asked if the grant was \$200,000 less than projected and, if so, how would this money be made up. Mayor Hoag replied that she is working with Administrator Ciccarone and they will be looking at other possible partners and additional funding resources. Administrator Ciccarone advised that the open space tax can support \$3.5 million in debt; we only have \$2 million and, therefore, have borrowing capacity of \$1.5 million that the open space tax can support. There is no anticipation to borrow additional funds and focus will be on locating other agencies willing to contribute to this funding. On another note, Mr. Miller raised the issue of break-ins at three stores at the Hickory Tree Mall and stated that the lighting is inadequate at that time of night. He asked if illuminated signs could be a consideration of this committee to deter crime. Additionally, the Green Village Garage is the only garage in the township that was not allowed a canopy and this is taking away from their business. Mayor Hoag advised that better lighting at the Hickory Tree Mall should be considered. Chief Goeckel advised it took the police less than one minute to respond to the burglar alarm, but the burglar was gone. She advised that the mall has always had points of access and these are issues that the mall needs to address. Chief Goeckel said she encourages storeowners to keep lights on in the back of the store as it is much easier to see into a store from dark to light. Additionally, the police officers check the malls every night and did check it earlier that evening.

Committeeman Brower asked Attorney Woodward to explain the revaluation currently being done as it relates to the open space tax of .02 cents per \$100 assessed value; if the valuation of property doubles, what happens to the .02 cent tax? Attorney Woodward advised that there would be a net no change. Administrator Ciccarone advised that this subject will need to be on a future agenda when the revaluation is completed as the ordinance language as written does not take into account the total ratable basis. Mayor Hoag asked if this will change the amount turned over to the county and Administrator Ciccarone advised that it will not change as the county uses equalized values.

Mayor Hoag closed the Hearing of Citizens.

Introduction of Ordinances:

ORDINANCE 2004-020

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING AND AMENDING THE DRUG FREE ZONE MAP OF SCHOOLS AND PUBLIC FACILITIES

WHEREAS, the State of New Jersey has adopted legislation which permits the establishment of drug free school and public facility zones within each municipality of the State, provided that the governing body of such municipality has adopted an

ordinance approving a map prepared by a municipal engineer as the official finding and record of the location and boundaries of the area or areas on or within 1,000 feet of school property and 500 feet of public housing facilities, parks and buildings, respectively; and

WHEREAS, the map previously approved by the Township Committee is to be amended to include new properties and properties not previously listed, including Loantaka Brook Park, Oak Knoll School Athletic Fields and Woodland Park;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby amends Section 3-5, Drug-Free School and Public Facility Zones, as follows:

1. Section 3-5.1 Adoption by Reference of Drug-Free School and Public Facility Zone Map.

In accordance with authority granted pursuant to N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1, the map prepared by Michael Bennett, P.E., Municipal Engineer, of Hatch, Mott, MacDonald, I & E, LLC, captioned "Drug-Free School and Public Facility Zone Map", dated November 10, 2004, is hereby approved as the official finding and record of the location and boundaries within the Township of Chatham of the area on or within one thousand (1,000) feet of school property and of the area on or within five hundred (500) feet of public housing facilities, parks and buildings, as designated thereon.

2. Section 3-5.2 Filing of Map by Township Clerk; Copies to Be Provided.

The original of the aforesaid map shall be filed with and maintained by the municipal clerk of the Township. Upon request, the municipal clerk shall provide, at a reasonable cost, a certified copy thereof together with a copy of this ordinance to any person, agency or court; provided that, if such copies are requested by the Morris County Clerk or the Morris County Prosecutor, same shall be provided without cost.

3. Section 3-5.3 Statement of Additional Requirements. The following additional matters are hereby determined, declared, recited and stated:

- a. It is understood that the map approved and adopted pursuant to subsection 3-5.1 was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of the State, and that pursuant to State law such map shall constitute prima facie evidence of the following:
 1. The location of elementary and secondary schools and public parks and buildings within the Township;
 2. The boundaries of the real property which is owned by or leased to such schools or School Board, or owned or controlled by a State, county or local government unit, as the case may be;
 3. That such school or public property is and continues to be used for school or public purposes; and
 4. The location and boundaries of areas which are on or within one thousand (1,000) feet of such school property and within five hundred (500) feet of public parks or buildings.
- b. As of the date of this map, November 10, 2004, approved and adopted hereby, all of the property depicted thereon as school property was owned by or leased to a school or School Board and was being used for school purposes and all of the property depicted thereon as public parks and buildings was owned or controlled by a State, county or local government unit and was being used for such purposes.
- c. Pursuant to the provision of N.J.S.A. 2C:35-7 and N.J.S.A. 2:35-7.1, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in said statutes, including use of a map or diagram other than the one approved and adopted pursuant to subsection 3-5.1. The failure of the map approved hereby to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or School Board, or used as a public park or building and which is owned or controlled by a State, county or local government unit, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a

school, School Board, or not owned or controlled by a State. County or local government unit, or that such property is not used for school purposes or as a public park or building, as the case may be.

- d. All of the requirements set forth in N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1 concerning the preparation, approval and adoption of a Drug-Free School and Public Facility Zone Map have been complied with.

Attorney Woodward advised that a drug-free school zone map was adopted approximately four years ago. This includes school zones (1000 feet from school property) and public facilities (500 feet). This amendment will include the Loantaka Brook Park, Oak Knoll School athletic fields, and Woodland Park. The new map has been modified to account for these latest three additions. Committeeman Brower asked if a modification could be made to include areas that will be acquired in the future. Attorney Woodward stated that the statute allows for such inclusion, however, during a trial it is better for a prosecutor to rely on a document in order to allow for an enhanced penalty and it also serves as a useful device to inform the public.

Deputy Mayor O'Connor moved to introduce Ordinance 2004-020. Committeeman Brower seconded the motion.

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

The public hearing is scheduled for December 2, 2004.

Consent Agenda

Administrator Ciccarone addressed Resolution 2004-219, relative to budget transfers, which total approximately \$42,000. He stated that while this is a relatively routine process, the largest appropriation is for engineering for the expenses relative to lot grading plans. He added that we are transferring \$30,000 and have taken in \$25,000 in fees. He advised that such anticipated revenues have not been in the budget previously, however, recommended doing so in the future. Solid waste collection and the gasoline account reflect changes. Relative to WPC I and II, these funds are being transferred from the capital outlay to the operating expenses accounts.

Committeeman Brower referenced Resolution 2004-214 relative to the amount of \$50,000 to Hatch Mott MacDonald. Administrator Ciccarone advised that this payment is for services rendered on the TDS work covering the past 14 to 16 months.

RESOLUTION 2004-214

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 \$1,167,994.83 and the prior month's payroll of \$347,607.46 Current Fund, \$35,908.44 Sewer No. 1, \$6,683.57 Sewer No. 2, and \$2,389.87 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of December 2004, in the amount of \$1,709,137.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the month of November 2004, in the amount of \$1,812,287.33 be paid.

RESOLUTION 2004-215

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>72000</u>	<u>AMOUNT</u>
Craig K. Rieck 7 Meyersville Road Chatham, NJ 07928	12987	\$600.00
Parisi Builders F & S LLC 2165 Morris Ave. Union, NJ 07083	38928	\$13,087.37

RESOLUTION 2004-216

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PERMIT FEE

WHEREAS, the Township requires a fee for the issuance of a septic abandonment permit; and

WHEREAS, the applicant had already been issued a permit in 2003 for the same work;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Gunn Enterprises 41 Fairview Avenue Madison, NJ 07940	\$65.00

RESOLUTION 2004-217

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

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayments,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
72	7	First American Real Estate Tax Service Renaissance Tower, 3 rd Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: JT Thompson	\$3699.72
114	1	Borough of Chatham 54 Fairmount Avenue Chatham, NJ 07928	\$2,169.20

RESOLUTION 2004-218

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

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayments,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made as per the attached list entitled 2003 Overpayment Refunds.

RESOLUTION 2004-219

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING BUDGET TRANSFERS**

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2004 municipal budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Appropriation	To	From
Engineering OE	\$ 30,000.00	
Solid Waste Collection OE	\$ 7,500.00	
Gasoline	\$ 5,000.00	
Gen. Administration OE		\$ 5,000.00
Planning Board OE		\$ 5,000.00
Colony Pool S&W		\$ 25,000.00
Police Dispatch S&W		\$ 7,500.00
	\$ 42,500.00	\$ 42,500.00
WPC I		
	To	From
OE	\$ 15,000.00	
Capital Outlay		\$ 15,000.00
	\$ 15,000.00	\$ 15,000.00
WPC II		
	To	From
OE	\$ 7,500.00	
Capital Outlay		\$ 7,500.00
	\$ 7,500.00	\$ 7,500.00

Committeeman DeMeo moved to pass the Consent Agenda, Resolution 2004-214 through Resolution 2004-219. Deputy Mayor O'Connor seconded the motion.

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

Discussion Items

1. **Chabad Jewish Center:** Mayor Hoag advised that Chabad Jewish Center requested that we include a menorah as part of the holiday display. Administrator Ciccarone advised that there are minimal seasonal displays and suggested some areas where menorahs could be placed. The Township Committee determined that the center will be given the option of the Municipal Building or the Gazebo.
2. **Sunset Lake:** Engineer Bennett advised that he has spoken at length with the county engineer regarding the remediation of the existing water problem. The county requested correspondence from the Township to further explain our request for assistance from them for shared payment for remediation. Engineer Bennett advised that the county is aware the problem is based on water coming from a county road. The county is seeking their level of participation in these costs and Engineer Bennett replied that their share should be 90 percent. Engineer Bennett will draft a letter for the Township Committee. Engineer Bennett also advised the cost for remediation of the lake is about \$1 million. Committeeman Brower stated that the people in Sunset Lake deserve the Township Committee's attention. Committeeman Brower made a number of suggestions including that we should approach Madison and notify them that we would be happy to put up a dam and they can deal with their own water problems; he also suggested getting the county, Madison and Chatham involved so each could put up a sum of money to satisfy the problems at Sunset Lake; and lastly stated that this lake community has the option of forming a lawsuit against the joint communities. Committeeman DeMeo agreed that the Township should be more aggressive and suggested copying the Freeholders on the letter to be drafted, and all Township Committee members will sign the letter. Engineer Bennett thought it is important to recognize that the problem is one of several situations that exist that are caused by the County allowing drainage to pass through County conduits into Chatham Township.
3. **Stormwater Management Plan:** Engineer Bennett held a meeting relative to the Stormwater Pollution Prevention Plan to work on establishing who is responsible for meeting permit requirements, and who will document adopted procedures and ensure that they are implemented. A draft of this plan will be created. This step includes the possibility of creating ordinances, general housekeeping, and dealing with such issues as types of equipment used seasonally to salt and sand roads, as well as equipment used to clean-up accidental spills. The grant received will cover workshops, but the actual labor costs will be incurred by the Township. In addition to the existing strict Stormwater Management Ordinance, an additional ordinance will need to be adopted for the entire town and will extend to all uses for the entire town including the Great Swamp area. A draft of the Stormwater Pollution Prevention Plan will be available for review in two to four weeks, and the document will be updated annually. Another component is the Stormwater Management Plan from 1999 that needs to be updated to accommodate the new rules.

Mayor Hoag inquired as to the receipt of an updated report from Oak Knoll. Engineer Bennett replied that a report of progress, primarily on the failure of one of the infiltration facilities, was due October 15, 2004, which was not received. Administrator Ciccarone advised that a letter was received this day, which he will forward to Engineer Bennett. Mayor Hoag requested that this matter be pursued and inquired as to any legal issues on this delay that could enforce scheduling. Attorney Woodward advised that Oak Knoll is obligated to stay on schedule relative to site plan approval and are, at this time, in violation of that approval. He further advised that Land Use Ordinances could be enforced as well as municipal court violations could be invoked. However, based on the problems that need to be dealt with, Attorney Woodward suggested approaching the school's Board of Trustees. Engineer Bennett stated that Oak Knoll was receptive to the October 15, 2004 deadline when he met with them in the field in September 2004 and outlined the town's requirements to be met. Since he has not received any progress report, he cannot determine at this time if they need additional time or if they are taking issue with the requirements outlined. Engineer Bennett will pursue communications and will advise the Township Committee accordingly.

Committeeman Brower stated that relative to Engineer Bennett's discussion with regard to stormwater runoff, it appears that there are anticipated problems that will incur financial obligations to correct. Committeeman Brower is concerned relative to the manpower needed at the Department of Public Works to inspect every catch basin. Engineer Bennett

replied that there will be an opportunity to set the requirements that meet the township's ability to implement, and providing it meets certain criteria, the DEP will accept it.

Committeeman Brower further inquired as to the pending tree ordinance he received via e-mail and inquired as to the status. Administrator Ciccarone advised that due to time restraints, this will be held off until 2005. Committeeman Brower stated that he is opposed to the concept; he agrees with what is trying to be achieved, however, does not agree with the procedures. Committeeman DeMeo advised that the ordinance should be reviewed from an initial perspective in lieu of one in progress, and Deputy Mayor O'Connor agreed.

4. January 1, 2005 Holiday: Administrator Ciccarone advised that January 1, 2005 falls on a Saturday and recommended that the Township Committee approve observance on Friday, December 31, 2004 in lieu of January 3, 2005. The Township Committee approved this observance. The last two meeting dates of 2004 were confirmed for December 2, 2004 and December 16, 2004. The Reorganization Meeting of the Township Committee will be held on Thursday, January 6, 2005.

Hearing of Citizens

Mayor Hoag opened the hearing of citizens; however, since there were no comments, the hearing of citizens was closed.

Executive Session

RESOLUTION 2004-P-19

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 pass Resolution 2004-P-19 at 8:58 p.m. Committeeman Brower seconded the motion. Mayor Hoag advised that action may be taken afterwards.

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

The Committee returned from Executive Session at 9:55 p.m.

Committeeman DeMeo moved to adjourn the meeting. Deputy Mayor O'Connor seconded the motion, and it carried unanimously.

Joy M. Wiley
Municipal Clerk