

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JUNE 11, 2009**

Mayor Tubbs called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 PM.

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 8, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2009; and notice was filed with the Township Clerk on January 8, 2009.

Mayor Tubbs led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Committeeman Brower, Deputy Mayor Hagner and Mayor Tubbs.

Approval of Agenda

Committeeman O'Connor asked that a model resolution for the Sustainable Land Use Pledge be added to the agenda as a discussion item.

Committeeman O'Connor moved to approve the agenda as amended. Deputy Mayor Hagner seconded the motion, and it carried unanimously.

Proclamation

Mayor Tubbs read the attached proclamation declaring September as Ovarian Cancer Awareness Month and supporting the Turn the Towns Teal awareness campaign. Nicole George from Kaleidoscope of Hope was present to accept the proclamation.

Reports

Committeeman Gallop reported that aside from the weather, the spring recreation programs went well. Furthermore, the frequently asked questions portion of the Township website is now up and running. Committeeman O'Connor reported that the Green Team met, and they reviewed the list to meet Sustainable Community certification. He also reported that the Township won an award from Morris Tomorrow for the 9/11 Memorial. Deputy Mayor Hagner reported that the Planning Board would be discussing the Bikeway Plan at their upcoming meeting. Committeeman Brower reported that the improvements to the Senior Center are for the most part complete. Mayor Tubbs reported that a meeting was held with the DEP about wastewater discharge from the Tanglewood Plant and Chatham Glen Plant. Furthermore, the first two defibrillators for the recreation fields will be available this weekend, one at the Colony Tennis Courts and one at Nash Field. Chatham Borough will also be moving forward with the installation of defibrillators at recreation facilities. Deputy Mayor Hagner asked about the date of a Morris County Freeholders meeting that is to be held in the Township. Mayor Tubbs indicated that the meeting would be held on June 24, 2009. Engineer Ruschke reported that the DEP is in the process of reviewing the permit application for Shunpike Field. Regarding the Southern Boulevard Firehouse, Engineer Ruschke said that he has been receiving a lot of questions from the contractor that should be directed to the architect. Furthermore, the contractor still needs to sign the contract. Engineer Ruschke also reported that two grant applications have been submitted to the DOT, one for road repairs and one for sidewalks.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2009-11

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY TO REGULATE THE PLACEMENT AND
USE OF CLOTHING BINS**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, New Jersey, that the Code of the Township of Chatham is hereby amended to add Section 18-5, Clothing Recycling, to Chapter XVIII, Solid Waste Management, as follows:

1. Chapter XVIII, Solid Waste Management

Section 18-5. Clothing Recycling

18-5.1 Clothing Bins.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

- A. The donation clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 or any person; and
- B. The registered charitable organization or the person has obtained a permit valid for a period of one year, from the Zoning Officer in accordance with the following:

1. In applying for such a permit, the registered charitable organization or person shall include:

- a) The location where the bin would be situated, as precisely as possible;
- b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- c) The name, address, and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;
- d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pick-up; and
- e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

2. The Zoning Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if he/she determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.

3. The fee for such application for the zoning permit shall be \$25.00.

4. An expiring permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the \$25.00 renewal fee and by application that shall include the following information:

- a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;
- b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;
- c) The name, address and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;
- d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pick-up; and
- e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property;

5. The following information shall be clearly and conspicuously written in either paint or permanent marker on the exterior of the donation clothing bin:

- a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin.

- b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.
- c) The charitable organization's registration number, permit number and its date of expiration.
- d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations.
- e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

C. The Zoning Officer or his designee shall receive and investigate, within 45 days, any complaints from the public about the bin.

1. Whenever it appears to the Zoning Officer or his designee that an organization or a person has engaged in or is engaging in any act or practice in violation of this ordinance, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 15 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within 15 days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.

3. In addition to any other penalties or remedies under this ordinance, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty for each violation as specified pursuant to Section 1-5, Penalties, of the Code of the Township of Chatham.

D. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

2. Repealer All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section 3. Effective Date. This ordinance shall take effect as provided by law.

Attorney Woodward explained that this ordinance deals with new State legislation that allows municipalities to create a methodology for the placement of clothing bins. This ordinance would only allow charitable organizations to place clothing bins, and would require that the organizations obtain a zoning permit.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-11.

- 1. Ed Klein from Carecycle, Inc. is in the business of recycling clothing. His company has been advocating for the new state legislation for the past 12 years. Mr. Klein said that every year, over 8 billion pounds of clothing winds up in landfills. In regards to the ordinance as proposed, Mr. Klein took issue with the restriction that disallows placement of clothing bins in parking spots. He would prefer that the zoning officer have discretion as to where clothing bins could be placed.

Seeing no further comment, Mayor Tubbs closed the Public Hearing.

Administrator Ciccarone mentioned that there are already clothing bins at the recycling center, and he suggested that the bins only be allowed there and on church properties. Furthermore, the Hickory Tree Shopping Center is currently deficient in the number of available parking spots. Committeeman Brower said that the ordinance as introduced does not contain any language regarding maintenance of the bins. He also asked about a limit on the number of units per area.

Administrator Ciccarone said that he was going to suggest that if the recycling center were to be designated as the only area for bins, a limit on the number of bins could be developed based on the advice of the Department of Public Works. Deputy Mayor Hagner suggested that bins could be allowed in parking lots, but with limitations. Committeeman Gallop suggested that people would still be able to find the clothing bins behind the shopping center. Committeeman O'Connor advocated having the clothing bins restricted to the recycling center. Regarding maintenance, Attorney Woodward said that language could be added requiring that the bins be maintained. Mayor Tubbs asked how the number of bins on a particular property could be controlled. Attorney Woodward said that the ordinance could limit the number of bins on any property to a specific number. Mr. Klein said that having bins behind the shopping centers would be dangerous. He also contended that only having bins at the recycling center would be insufficient to address the environmental issue of the 8 billion pounds of clothing in the landfills. Committeeman Gallop and Committeeman O'Conner reiterated their support of restricting the bins to the recycling center. Deputy Mayor Hagner said she would like the ordinance to address the appearance of the bins. She also said that she would not object to clothing bins at commercial properties provided that the applicant go before the Planning Board or Board of Adjustment.

Mayor Tubbs moved to table Ordinance 2009-11. Committeeman Brower seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Introduction of Ordinances

**ORDINANCE 2009-12
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE
TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$1,269,500 THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$1,206,000 BONDS OR NOTES OF THE TOWNSHIP
FOR FINANCING PART OF THE COSTS THEREOF.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,269,500, including the aggregate sum of \$63,500 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,206,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW equipment including but not limited to wide area mower; skid steer with attachment	\$132,000	\$125,400	5
2.	Building improvements including but not limited to replacement of compressor on air conditioner unit	25,000	23,750	15
3.	Road improvements	50,000	47,500	15
4.	Recreation improvements including	750,000	712,500	15

	but not limited to improvements to Shunpike Field			
5.	Acquisition and installation of oil separator for DPW facility	75,000	71,250	15
6.	Acquisition of emergency equipment for volunteer fire departments	50,000	47,500	15
7.	Underground Storage Tank Remediation at DPW	100,000	95,000	15
8.	Acquisition of police equipment including but not limited to telephone system, digital recording system, replacement of computer server	87,500	83,100	7
	TOTAL	\$1,269,500	\$1,206,000	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

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

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 12.984 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$1,206,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Administrator Ciccarone explained that this bond ordinance mirrors the capital budget that was approved in April, and he cited some of the highlights. Mayor Tubbs asked Engineer Ruschke to

prepare an update on the underground storage tank remediation at the public works facility, since that is a major cost. Administrator Ciccarone said that appropriations for the remediation have gone up because efforts have increased to bring the project to a conclusion. Committeeman O'Connor asked that more money be added to the road improvement appropriations. Administrator Ciccarone said that there is already \$300,000 available from past appropriations.

Committeeman O'Connor moved to introduce Ordinance 2009-12. Committeeman Brower seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Public Hearing on Ordinance 2009-12 will be scheduled for June 25, 2009.

ORDINANCE 2009-13

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PARTIALLY VACATING FOR STREET PURPOSES THE RIGHT OF WAY FOR A PORTION OF CHATHAM STREET

WHEREAS, a portion of the westerly end of Chatham Street in the Township of Chatham from its intersection with Rose Terrace easterly for a distance of 250 feet has never been paved or used for street purposes and thus constitutes a paper street; and

WHEREAS, the Township has constructed a paved bike path ten (10) feet in width through said portion of Chatham Street; and

WHEREAS, the Township has no need for said portion of Chatham Street to be used for street purposes, but desires to retain the right of way for a bike path and for vehicular access to Chatham Street and a Township of Chatham pump station for emergency and maintenance purposes and it appearing that the public interest will be better served by vacating said portion of Chatham Street for street purposes;

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

1. The portion of Chatham Street as shown on the Tax Map of the Township of Chatham from its westerly intersection with Rose Terrace and running easterly for a distance of 250 feet and for its entire width thereof is hereby vacated for street purposes, but that its right of way designation for a bike path and for vehicular access for emergency and maintenance purposes is hereby retained. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under Chatham Street are hereby expressly reserved from vacation.
2. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
4. This ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Attorney Woodward said that this ordinance would vacate the paper street from Chatham Street to Rose Terrace. Committeeman Brower asked if the property owners would be made aware that they could not encroach upon the right-of-way. Deputy Mayor Hagner asked that the width of the right-of-way be included in the ordinance. Mayor Tubbs opened the floor to the property owners affected by this ordinance.

1. Jean Earle, 37 Rose Terrace, thanked the Township Committee for the new bike path.

Committeeman Brower moved to introduce Ordinance 2009-13. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Public Hearing on Ordinance 2009-13 will be scheduled for July 9, 2009.

Consent Agenda

RESOLUTION 2009-126

**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 \$1,180,992.76 and the prior month's payroll of \$456,876.30 Current Fund, \$47,319.10 Sewer No. 1, \$8,981.33 Sewer No. 2, and \$1,019.58 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of June 2009, in the amount of \$2,271,625.00 be paid.

**RESOLUTION 2009-127
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on May 28, 2009.

**RESOLUTION 2009-128
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on May 28, 2009.

**RESOLUTION 2009-129
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, 2009**

WHEREAS, applications for the renewal of Alcoholic Beverage Licenses in the Township of Chatham for the fiscal year beginning July 1, 2009 have been made by Charlie Brown's of Chatham, Inc. and Fairmount Country Club, 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 and directed to issue and deliver plenary retail consumption licenses for the fiscal year beginning July 1, 2009, as follows:

To Charlie Brown's of Chatham, Inc., for premises situate at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-008).

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 2009-130
(See Attached)**

**RESOLUTION 2009-131
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR SHUNPIKE ROAD SIDEWALK PROJECT**

WHEREAS, the Township of Chatham is submitting a grant application to the State Department of Transportation for the construction of 0.39 miles of concrete sidewalk along the south side of Shunpike Road from Southern Boulevard to the Township Recreation Facility;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project; **BE IT FURTHER RESOLVED** that the Township Administrator and Township Clerk are hereby authorized to submit an electronic grant application identified as:

MA - 2010 - Chatham Township – 00578

to the New Jersey Department of Transportation on behalf of the Township of Chatham;

E IT FURTHER RESOLVED that the Township Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2009-132

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

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by the Green Village Fire Department Inc. on December 22, 2009, at the Green Village Firehouse, Chatham Township, are hereby approved.

RESOLUTION 2009-133

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 a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Green Village Fire Department	September 12, 2009	Green Village Firehouse 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2009-134

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>
Joanna Mulford 20 Buxton Road Chatham, NJ 07928 Re: Road Opening Permit	7760011230	\$2888.00
Michael & Donna Campbell 71 Buxton Road Chatham, NJ 07928 Re: BOA 01-62.07-67	7200038869	\$415.75

RESOLUTION 2009-135

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LAFAYETTE AVENUE RESURFACING PROJECT

WHEREAS, the Township of Chatham is submitting a grant application to the State Department of Transportation for the resurfacing and roadway reconstruction of approximately 1.04 miles of Lafayette Avenue, from Southern Boulevard to Shunpike Road;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Township Administrator and Township Clerk are hereby authorized to submit an electronic grant application identified as:

MA - 2010 - Chatham Township – 00561

to the New Jersey Department of Transportation on behalf of the Township of Chatham;

BE IT FURTHER RESOLVED that the Township Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2009-136

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR CHATHAM TOWNSHIP PBA LOCAL #170 “FUND RAISING” EVENT

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 20, 2009, for “Fund raising” to take place at Shunpike Field on Shunpike Road, Chatham, New Jersey; 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.

Regarding the grant applications, Committeeman Brower asked if a project priority list had been generated. Mayor Tubbs said that a list has not yet been created, but it was felt that the need for a sidewalk from Hickory Tree Mall to Shunpike Field would be a good project. Committeeman O’Connor added that he felt that it was a good enough project to merit a grant application despite not yet having the priority list. Committeeman Gallop added that the State is looking for connectivity points, which the Shunpike Field sidewalk project would have.

Committeeman Brower moved to approve the Consent Agenda. Committeeman O’Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Discussion

Ordinance Prohibiting Tampering of Defibrillators

Attorney Woodward said that the Township Committee had asked him to prepare an ordinance regarding tampering with defibrillators, however such an ordinance is not necessary since there are already State laws under the criminal code regarding damage to property. Mayor Tubbs asked about signage warning people about tampering with the defibrillators. Attorney Woodward said that he would prepare language for such a sign. Chief Paton said that the applicable laws are the same ones that prohibit tampering with fire safety equipment.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

1. Bill Clinton, Sentinel Court resident, is one of the residents affected by the condominium fire of March 31, 2008. The units were not available for reoccupation until June 9, 2009. Mr. Clinton said that the owners of these condominiums were charged sewer usage fees during the period when the units could not be occupied. Furthermore, he had asked Administrator Ciccarone in the past about a reduction in the usage fees for the affected residents, and the request was denied. Per the suggestion of Attorney Woodward, insurance companies were contacted to see if reimbursements could be issued. Mr. Clinton requested that the Township waive sewer usage fees for the next 14 months, which is the same amount of time in which the units were uninhabitable. He also commented on and complimented the professionalism of the various inspectors. Administrator Ciccarone explained that if the sewers had been disconnected, the reconnection fee would be higher than the sewer usage fees for that period. Mr. Clinton pointed out that the affected residents did not voluntarily become non-users of the sewage system. Attorney Woodward said that in past circumstances where residents have lost their houses due to fire, they were not offered a reduction in their sewer usage fees, and the current ordinances do not have any provision to allow for such relief. Committeeman Brower said that there should be recourse for residents in such circumstances to be reviewed on a case-by-case basis. Committeeman O'Connor said that he is sympathetic to the residents affected by the fire, but he is reluctant to allow exceptions to the law. Committeeman Gallop raised a concern about the precedent that might be set if relief was offered in this circumstance. He also suggested that if the Township were going to offer sewer usage relief in catastrophic events, there should be a certain threshold. Mayor Tubbs said that there are fixed costs for the operation of the sewer plant, and those costs need to be paid despite any relief offered, and if relief is offered then those costs have to be paid by someone else. Mayor Tubbs suggested that perhaps a 50% credit could be offered to residents who are removed from their residence due to an emergency for a period of at least six months, but that the relief should not be offered for more than eighteen months. Administrator Ciccarone warned that utilities should not cease to be self-liquidating. Attorney Woodward advised that he would research this topic, and would report back to the Township Committee as to whether or not they legally could offer any relief, and if so what the legal parameters are for said relief.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

Discussion

Sustainability

Committeeman O'Connor said that the Sustainable Land Use Pledge is part of the certification process for a sustainable community, and the Green Team would like the model resolution to be reviewed by the Planning Board. They are trying to meet a September 9, 2009 deadline. Administrator Ciccarone said that there are parts of the document that are inconsistent with the Township's COAH obligation. Mayor Tubbs said that the resolution would not need to be adopted verbatim, and Mr. Carroll from the Environmental Commission said that the resolution could be modified.

Energy Audit

RESOLUTION 2009-137

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AWARDED A PROFESSIONAL SERVICES CONTRACT FOR AN ENERGY AUDIT

WHEREAS, The New Jersey Board of Public Utilities Clean Energy Program is sponsoring a Local Government Energy Audit Program, whereby 75% of the cost of the audit is reimbursed to the municipality, and

WHEREAS, the Township of Chatham has met the requirements of the Program and wishes now to award a Professional Services Contract to have an Energy Audit performed. **NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Concord Engineering Group of Voorhees, New Jersey is awarded a contract to provide services described in their letter dated April 30, 2009 that is on file in the office of the Municipal Clerk for a fee of \$18,474.00.

Administrator Ciccarone said that said that three proposals were received for an energy audit, and both he and Mr. Carroll from the Environmental Commission agree that the proposal from Concord Engineering Group is the best proposal for the Township. 75% of the cost of the audit will be reimbursed to the Township. Administrator Ciccarone also thanked Mr. Carroll for his hard work on this project.

Mayor Tubbs moved to pass Resolution 2009-137. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Committeeman Brower moved to adjourn at 10:00 P.M. Committeeman Gallop seconded the motion, and it carried unanimously.

Joy M. Wiley
Municipal Clerk