

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
APRIL 8, 2010**

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:33 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, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2010; and notice was filed with the Township Clerk on January 8, 2010.

Mayor Hagner led the flag salute.

**Roll Call**

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

**Approval of Agenda**

Committeeman O'Connor moved to approve the Agenda. Mayor Hagner seconded the motion, and it carried unanimously.

**Reports by Subcommittees**

**Green Village Fire Department**

Chief Kevin Doherty gave the Annual Report for the Green Village Fire Department (GVFD). Chief Doherty said that they received about the same number of calls as last year as the year before. He also highlighted equipment upgrades and training efforts. The GVFD participated in fundraising for cancer research, as well as National Night Out. Chief Doherty said that they are participating in the Black Meadows Mutual Aid, which helps provide training. The Department is also engaged in a group purchasing program. New radio systems will also be added. On May 1<sup>st</sup>, the annual Steak & Lobster Dinner fundraiser event will be held. Mr. Gallop asked about membership levels, and Chief Doherty said that their numbers have remained steady. Mayor Hagner asked if the number of training hours have increased due to new requirements. Chief Doherty said that the GVFD is always making upgrades, which requires more training. Also, when the number of calls is down, the amount of training goes up. Deputy Mayor Tubbs asked what the two fire departments in the Township do to inform each other of what new equipment has been acquired so that they can share. Chief Doherty said that Black Meadows provides an updated list of equipment held by each member department so they can share services. Deputy Mayor Tubbs also asked about the implementation of the Knox Box program. Chief Doherty said that the program is moving forward smoothly. Committeeman Brower asked if the time commitment for being a member of a fire department is overwhelming. Chief Doherty said that there are several ways in which a person could volunteer their time, and they do not need to be front line firefighters.

**Chatham Township Fire Department**

Deputy Chief Jim Pignatello, Sr. presented the Annual Report of the Chatham Township Fire Department (CTFD). Deputy Chief Pignatello reported that the CTFD has 42 active members, and 5 junior members. The junior members are age 16 to 18, and can respond to calls but are limited in their involvement. There are also associate memberships available. The Department had 110 calls last year, which was down 11% from the prior year. There were 10 fires, and they also assisted the Chatham Emergency Squad and provided mutual aid. 32 members of the CTFD also qualified for LOSAP. There were also purchases of a new command vehicle and a fire truck. The CTFD is also working with the Township Fire Official on the implementation of the Knox Box program. Grants are being sought for the purchase of new airpacks. Deputy Chief Pignatello also said that they are updating their preplans. Mayor Hagner asked if they are

required to update their preplans. Deputy Chief Pignatello said that it is not required, but is a good thing to have. The Southern Boulevard Firehouse is also nearing completion, and they are expecting to occupy the building by May 15, 2010. Deputy Mayor Tubbs thanked the CTFD for all they do. Deputy Chief Pignatello also noted that their annual Pig Roast will be held in June. Committeeman Brower asked about sensors that firefighters can wear in case they are trapped in a burning building. Deputy Chief Pignatello said that the CTFD does not yet have the GPS systems, but they do have a sensor in their airpicks that sound an alarm to help find the firefighters. Committeeman Brower also asked about the widespread use of private alarm companies, and if there is a change in the number of false alarms. Deputy Chief Pignatello said that there has not been an increase in false alarms.

### Board of Health

Dr. Jim Brown, President of the Board of Health, presented the Board of Health's Annual Report. Dr. Brown reported that the service contract with the Madison Health Department is increasing at the rate of 7.5% per year. There is also a contract with AECOM Technical Services for review of septic applications, but there have not been many applications lately. There are presently 230 homes in the Township that have septic systems, 4 of which are required to connect to the sewer system this year. Dr. Brown also addressed the response to the H1N1 pandemic. He said that the Madison Health Department did an excellent job running clinics, despite the shortage of vaccine doses. Committeeman O'Connor asked about the potential revisions to the Noise Ordinance. Dr. Brown said that when municipalities update their noise ordinances, they must conform to the DEP's model ordinance. He gave examples of the differences between the Township's current noise ordinance and the DEP model, and pointed out that quite often when a complaint is made, the noise has ceased before anyone could arrive at the site to measure the noise levels. The Board of Health has also considered how to address the issue of noise from landscaping equipment and from snow removal equipment. Committeeman O'Connor asked how stringent the model ordinance is compared with the ordinance already in effect. Dr. Brown said that it is more stringent in some areas, less stringent in others. The Township does not have to update the Noise Ordinance, however if it were ever challenged in court, the court would use the DEP standards rather than those of the Township, and any updates must conform to the DEP model. Committeeman Brower said that he likes the idea of having a "nuisance" ordinance to address issues where sound measurements would not be practical. Mayor Hagner complimented the Board of Health on the work they have done reviewing the Noise Ordinance. Mayor Hagner also said that she attended a shared service meeting, and the County is looking to possibly take over health services. Committeeman Brower addressed the 7.5% increase in the contract with the Madison Health Department.

### Chatham Emergency Squad

Captain Marty Secheyay presented the Annual Report of the Chatham Emergency Squad. Membership in the Squad has remained strong. Captain Secheyay gave figures on the number of calls they have received, and he said that he expects the number of mutual aid calls to increase. Finances are also in good condition. Captain Secheyay also said that the State is no longer willing to pay for elective training courses, however the Squad is willing to pay for their members to attend such courses. Captain Secheyay also commented on their relationship with the Police Department, Fire Departments and DPW. Deputy Mayor Tubbs asked about notifying neighbors of an upcoming training drill involving a helicopter. Captain Secheyay said that they were told not to inform the neighbors. Administrator Ciccarone suggested that once the drill is completed, a Nixle alert could be sent out by the Police Department. Committeeman Brower asked about the Squad's dissatisfaction with their vehicles. Captain Secheyay said that they have a new rig on order from a different manufacturer. Committeeman Brower also asked about recruitment of volunteers, and Captain Secheyay summarized their recruitment and training process. Committeeman Gallop asked about the availability of defibrillators at recreation facilities. Captain Secheyay did not have any statistics on their usage, but his personal opinion is to have them available in public places. He also addressed the success rate of the use of defibrillators, and he has never seen a defibrillator fail to operate correctly. Committeeman Brower also asked if there are Good Samaritan laws in effect to protect members of the public who use the publicly available defibrillators. Captain Secheyay said that the Good Samaritan laws are still in effect, however the members of the Emergency Squad are not protected by those laws since they are trained in how to use the equipment.

Community Emergency Response Team

The Annual Report for the Community Emergency Response Team (CERT) was presented by Mike Cashman. Mr. Cashman said that the Chatham CERT team was formed in 2002, and they receive training in several areas. For recruitment, Mr. Cashman and Lt. George Petersen met with Long Hill Township’s OEM Director to get some ideas on how to increase membership. They also met with department heads to let them know what services that CERT can offer. Mr. Cashman also said that there is a Teen CERT program, which the School District would like to see implemented in the Chathams. The Morris County OEM Director has made available to the CERT Team a trailer of equipment, which they will also use for recruitment purposes. Mr. Cashman said that CERT is an adjunct of the Office of Emergency Management, and he described their general duties. He also said that anyone interested in joining CERT can contact the Chatham Township Police Department at 973-377-0100. There are currently 12 team members. Deputy Mayor Tubbs suggested that CERT seek new recruits among the local Boy Scout troops. Committeeman Brower asked about jurisdiction and chain of command. Lt. Petersen described the National Incident Command System.

**Reports**

Committeeman Gallop reported that the Open Space Committee has reviewed a list of properties that the Township may have an interest in purchasing for open space purposes should they be put on the market. Committeeman O’Connor reported that the Environmental Commission discussed Sustainable Jersey. They also discussed the Rolling Knolls site. Mayor Hagner reported that she received a letter from the Ten Towns Committee that they will be disbanding due to funding issues. She also heard from Anna Riker as to whether or not there would be a Summer Concert Series in 2010.

Committeeman O’Connor moved to authorize an agreement with Riker Conference Connection to run the 2010 Summer Concert Series. Committeeman Brower seconded the motion, and it carried unanimously.

Mayor Hagner further reported that the PBA would be holding a beefsteak dinner at Corpus Christi Church on April 10, 2010. She also received a letter from a resident regarding road paving, and a letter from a resident praising the work of the Department of Public Works. Engineer Ruschke reported that work has begun at Shunpike Field, and that construction of the Southern Boulevard Firehouse has been slowly progressing. Attorney Woodward reported that a resident was ordered by the Superior Court to remove an illegal garage from his property, and the resident has filed an appeal of the decision.

**Introduction of 2010 Budget**

**RESOLUTION 2010-076  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING  
2010 MUNICIPAL BUDGET**

**BE IT RESOLVED** of the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010.

**GENERAL REVENUE**

Surplus Anticipated	\$1,860,000.00
Miscellaneous Revenue Anticipated	\$1,762,732.84
Receipts from Delinquent Taxes	\$450,000.00
Amount to be Raised by Taxation for Municipal Purposes	<u>\$ 9,423,172.93</u>
Total Revenues	\$ 13,495,905.77

**GENERAL APPROPRIATIONS**

Operation Including Contingent (within cap)	\$ 8,908,751.00
Deferred Charges & Statutory Expenditures- Municipal (within cap)	\$ 1,086,339.00
Operations (outside cap)	\$ 1,224,414.59



Receptionist or Clerk Typist	22,000	50,000
Director Glenwood Housing	3,000	7,000
Secretary	24,000	45,000
Chief of Police/Emergency Management Coordinator	75,000	130,000
Dispatcher – Year 1 probationary (6 months)	26,000	
Dispatcher – Year 1 after probation	28,000	
Dispatcher – Year 2	30,000	
Dispatcher – Year 3	35,000	
Dispatcher – Year 4	40,000	
Dispatcher – Year 5	45,000	
Dispatcher - Year 6	48,500	55,000
Public Works Manager	65,000	110,000
Assistant Public Works Manager	56,000	98,000
Director Water Pollution Control	50,000	95,000
Tax Collector/Utility Collector	30,000	75,000
Ass't. Tax & Utility Collector	20,000	50,000
Tax Assessor (Part-time)	15,000	27,000
Ass't. Assessor	22,000	50,000
Recycling Coordinator	10,000	15,000
Escrow Accounting Clerk	3,500	5,000
Director of Recreation	45,000	100,000
Land Use Administrator and Facilities Manager	35,000	80,000
Board Manager Planning/Zoning	5,000	10,000
Planning Board Attorney	5,000	15,000
Zoning Board Attorney	5,000	15,000
Planning Board Secretary	2,400	7,000
Zoning Board Secretary	2,400	7,000
Secretary Environmental Commission	500	1,500
Secretary Open Space Advisory Committee	500	1,500
Construction Office Control Person	25,000	60,000
Construction Official/Building Sub-code Official/Inspector	25,000	85,000
Zoning officer/Code Enforcement Officer (PT)	7,500	15,000
Fire Sub-code Official/Inspector	4,000	18,000
Fire Prevention Official/Inspector	4,000	18,000
Municipal Judge	24,000	45,000
Municipal Court Administrator	30,000	65,000
Deputy Court Administrator/Violations Clerk	22,000	35,000

Municipal Prosecutor	12,000	30,000
Dog Licensing Clerk	2,000	4,000
Secretary Colony Pool	2,500	6,000
Director of Public Assistance	3,000	5,000

**Seasonal and Hourly Positions**

Pool Manager	10,000	21,000
Assistant Pool Manager	4,600	10,000
Snack Bar Manager	4,600	10,000
Playground Director	1,800	5,000
Tennis Manager	5,000	12,000
Swim Team Coach	1,400	3,000
Swim Team Ass't. Coach	500	1,000
Lifeguards	7.15 HR	15.00 HR
Gate Attendants*	5.50 HR	12.50 HR
Recreation Aide*	5.50 HR	12.50 HR
Laborer	7.15 HR	14.00 HR
Crossing Guards	7.50 HR	30.00 HR
Dispatcher PT	10.00 HR	25.00 HR
Clerk Typist PT	7.50 HR	15.00 HR
Building Inspector	25.00 HR	42.00 HR
Plumbing Sub-code Official/Inspector	25.00 HR	42.00 HR
Electrical Sub-code Official	25.00 HR	42.00 HR

\*Gate Attendants and Recreation Aides aged 18 and over shall be paid a minimum of \$7.15 per hour.

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

Section 3. Longevity pay for non-exempt, eligible employees as specified in the Township Personnel Policy shall be 2% of base salary for each four years of continuous service with the Township but not to exceed \$1,400.00.

Section 4. Police Dispatchers shall have pay for 13 holidays added to the above listed salaries.

Section 5. In addition to the above salary, persons appointed to the attorney positions may also receive compensation in accordance with contracts for professional services.

Section 6. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 7. Salaries provided herein shall be effective January 1, 2010, except where noted, for those employed with the Township as of the adoption date of the ordinance.

Section 8. This ordinance shall take effect upon publication as provided by the law.

Administrator Ciccarone explained that this ordinance would set the salary ranges for all municipal positions that are not covered by collective bargaining agreements. Committeeman Brower asked if the Welfare Director Position would be omitted from this ordinance. Administrator Ciccarone explained that because that position was filled for the first three months of 2010, it would have to remain in the ordinance for the remainder of the year. Committeeman Brower also said that he would like to see a bonus structure introduced, rather than have the salary ranges change every year, which Mayor Hagner said they are considering.

Deputy Mayor Tubbs moved to introduce Ordinance 2010-04. Committeeman O'Connor seconded the motion.

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

Public Hearing on Ordinance 2010-04 will be scheduled for May 13, 2010.

**ORDINANCE 2010-05**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain expectations; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$346,705.56 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next to succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2010 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$346,705.56 and that the CY 2010 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Administrator Ciccarone explained that the Township is subject to an appropriations cap of 2.5% or the CPI, whichever is lower. Municipalities are allowed to adopt a cap bank ordinance, thereby allowing the municipality to make an increase of 3.5% and to bank the additional 1% for use in the next two years. This ordinance would not allow any additional spending, but would allow the banked money to be appropriated to be used in a future budget.

Deputy Mayor Tubbs moved to introduce Ordinance 2010-05. Committeeman Brower seconded the motion.

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

Public Hearing on Ordinance 2010-05 will be scheduled for May 13, 2010.

**ORDINANCE 2010-06**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF OPEN SPACE ACQUISITION**

**WHEREAS**, The Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2010;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

**1. 2-75.2 Funding of the Reserve for Open Space Acquisition.**

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one (\$.01) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2010. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2011.

**2.** All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

**3.** This ordinance shall take effect as provided by law.

Committeeman Brower moved to introduce Ordinance 2010-06. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2010-05 will be scheduled for May 13, 2010.

**Consent Agenda**

**RESOLUTION 2010-077**

**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 \$1,300,188.58 and the prior month’s payroll of \$474,133.35 Current Fund, \$42,526.21 Sewer No. 1, \$7,319.93 Sewer No. 2, and \$6,315.29 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of April 2010, in the amount of \$2,330,138.84 be paid.

**RESOLUTION 2010-078**

**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 March 25, 2010.

**RESOLUTION 2010-079**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ST HUBERTS GIRALDA**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by St. Hubert’s Giralda on December 4, 2010, at the St. Hubert’s Giralda Auditorium, 575 Woodland Avenue, Chatham Township, are hereby approved.

**RESOLUTION 2010-080**

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

**WHEREAS**, the Township Committee has considered the request submitted by the Construction Official with regard to a fee that was paid for a construction permit;

**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>PERMIT #</u>	<u>AMOUNT</u>
Weather Men Heating & A/C, LLC Attn: Donna Oropallo, Office Manager 341 S. Pine Avenue South Amboy, NJ 08879	#10-0089	\$103.00

**RESOLUTION 2010-081**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPOINTING MEMBER TO THE OPEN SPACE COMMITTEE**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Open Space Committee:

1. Full member                      Sarah Fechner                      (2010)

**RESOLUTION 2010-082**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW  
JERSEY REDUCING THE PERFORMANCE GUARANTY FOR ST. HUBERT'S ANIMAL  
WELFARE CENTER, BLOCK 142, LOT 4.01**

**WHEREAS**, the Planning Board has granted preliminary and final site plan approval for a project at St. Hubert's Animal Welfare Center, Block 142, Lot 4.01 (the subject property); and

**WHEREAS**, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

**WHEREAS**, as set forth by the Township Engineer, John Ruschke, P.E., in his report dated March 31, 2010, the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$539,956.75, which covers the remaining work described by the engineer's report;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the report of John Ruschke, P.E., dated March 31, 2010, to the amount of \$539,956.75, in the following manner: bond will be reduced to \$424,936.34 and cash will remain at \$115,020.41 and that release of the performance guaranty in excess of that amount is hereby authorized, and further provided that no relief granted herein shall be construed to relieve the developer from the obligation, once all work is completed and accepted, to post a maintenance guaranty in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

**RESOLUTION 2010-083**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
TRANSFERRING GENERAL PUBLIC ASSISTANCE PROGRAM TO COUNTY OF MORRIS**

**WHEREAS**, the Township of Chatham currently maintains a Department of Welfare and Social Services for the purpose of providing general public assistance in individuals within the Township of Chatham pursuant to the provisions of N.J.S.A. 44:8-107. Et seq., as well as other provisions of New Jersey State Law and Municipal Ordinances; and

**WHEREAS**, New Jersey State Law provides in N.J.S.A. 44:8-145.1 that a municipality may transfer the financial and operational responsibility for the administration of general public assistance to the County in which it is located; and

**WHEREAS**, the Township Committee of the Township of Chatham has reviewed the current operation of the Municipal Department of Welfare and Social Services and in consideration of the retirement of the Welfare Director that it would be in the best interest of the residents and taxpayers of the Township of Chatham to request that the financial and operational responsibility for this Department be transferred to Morris County;

**NOW, THEREFORE, BE IT RESOLVED** that the general public assistance program for the Township of Chatham be and is hereby transferred to Morris County effective as of April 9, 2010 or as soon thereafter as Morris County is prepared to implement the program on the Township of Chatham's behalf; and

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution be sent to the Morris County Welfare Director and the appropriate State Office of Public Assistance.

**RESOLUTION 2010-084**

**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>
Chatham Day School 700 Shunpike Road Chatham, NJ 07928 Re: Plan Board TCC	77600011277	\$1,000.00

**RESOLUTION 2010-085**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDED A PROFESSIONAL  
SERVICES CONTRACT FOR COAH PROGRAM ADMINISTRATIVE AGENT.**

**WHEREAS**, the Township of Chatham is in need of the services of an Administrative Agent to provide affordable housing compliance and monitoring services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Piazza & Associates, Inc. in accordance with a proposal submitted and on file in the Office of the Township Clerk.

**RESOLUTION 2010-086**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AFFIRMING THE CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,  
APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT  
CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH  
MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Township of Chatham to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

**WHEREAS**, the Township Committee of the Township of Chatham has determined that certain procedures need to be established to accomplish this policy;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that:

**Section 1:** No official, employee, appointee or volunteer of the Township of Chatham by whatever title known, or any entity that is in any way a part of the Township of Chatham shall engage, either directly or indirectly in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Township of Chatham's business or using the facilities or property of the Township of Chatham.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or interlocal organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Chatham to provide services that otherwise could be performed by the Township of Chatham.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event that the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Township Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Chatham as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Township Administrator shall establish a system to monitor compliance and shall report at least annually to the Township Committee the results of the monitoring.

**Section 8:** At least annually, the Township Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Chatham. This communication shall include a statement from the Township Committee expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Chatham's website.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Chatham in order for the public to be made aware of this policy and the Township of Chatham's commitment to the implementation and enforcement of this policy.

**RESOLUTION 2010-087**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPOINTING RAYMOND CLARKE TO THE PUBLIC WORKS DEPARTMENT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Raymond Clarke be hereby appointed to the Department of Public Works effective April 5, 2010 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #469 at a starting salary in accordance with Grade III Step I.

Committeeman O'Connor asked about a \$745 bill from Garden State Labs. Engineer Ruschke said that it is for ongoing sampling at the sewer plant. Committeeman O'Connor also asked about a \$11,956.70 to NJ American Water for fire hydrants. Administrator Ciccarone said that the Township pays NJ American Water for hydrant service. Committeeman O'Connor further asked about a \$400 payment to Piazza & Associates. Administrator Ciccarone said that Piazza & Associates manages the Township's affordable housing program. Committeeman Brower addressed the transfer of the General Assistance Program to Morris County, and voiced several concerns. Mayor Hagner said that she feels that the County will provide an adequate level of service.

Deputy Mayor Tubbs moved to approve the Consent Agenda. Committeeman O'Connor seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye (Nay on Resolution 2010-083); Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

**Discussion**

**Lighting**

**ORDINANCE 2010-07**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF**  
**THE MUNICIPAL CODE AS RESPECTS OUTDOOR LIGHTING**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Chapter 30, Land Development, §30-96.22, *Outdoor Lighting*, is hereby amended to read as follows:

**30-96.22a.** Except as to sports and recreational lighting regulated in Section 30-96.22b, all outdoor lighting in connection with any use shall be shielded so that the direct source of the illumination is not visible from any street or any adjoining property, provided that this provision shall not apply to incandescent or fluorescent, decorative outdoor lighting fixtures of one hundred sixty (160) watts or less in residential districts. Floodlights and spotlights in excess of one hundred (100) watts per bulb shall be shielded.

**30-96.22b(1)** Regulation of recreational/sports facility lighting for fields is necessary to prevent the cause of unnecessary skyglow, to prevent light trespass and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent residential neighborhoods from unnecessary lighting impacts.

(2) Where used for sports or recreational fields, all lighting fixtures shall comply with the following:

- (a) The maximum height of any recreational or sports lighting structure shall be 85 feet.
- (b) The minimum distance of the pole to any property line shall be 40 feet from any private property line.
- (c) Trespass lighting shall not be more than 0.1 foot-candle at any adjacent residential property line at grade.
- (d) The current natural landscape buffer shall be maintained to the greatest extent possible to allow for maximum screening.
- (e) No sports or recreational activity shall continue beyond 10:00 pm and all sports and recreational lighting shall be turned off not later than 10:30 pm.

(3) Sports or recreational lighting for fields shall only be permitted on municipal or school-owned property.

2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

3. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.

4. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Attorney Woodward reviewed the changes that this ordinance would make. He also said that the purpose of this ordinance is to provide for adequate lighting of sports fields while minimizing the spillage of light over property lines by requiring shielding to minimize skyglow. The Committee discussed the latest allowable time at which recreational lights should be turned off. The ordinance will require that recreational activities end by 10:00 PM, and that recreational lighting be turned off by 10:30 PM so that people will have a chance to get to their cars before the lights are turned off. Committeeman O'Connor said that lights should be required to be shut off earlier than 10:30 PM. He also asked why incandescent or fluorescent, decorative outdoor lighting fixtures are exempted from regulation by this ordinance. Attorney Woodward explained that such lighting is already exempted, and they are residential yard lights. He also said that this ordinance would have to be sent to the Planning Board, who will have 35 days to review the ordinance and provide commentary.

Deputy Mayor Tubbs moved to introduce Ordinance 2010-07. Committeeman Brower seconded the motion.

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

Public Hearing on Ordinance 2010-07 will be scheduled for May 27, 2010.

#### Driveway Length

Attorney Woodward suggested that driveway length should be measured from the property line into the depth of the lot. Mayor Hagner pointed out that the driveway length regulations only apply to the R3 zone. Attorney Woodward said that he would have a draft ordinance available for the next meeting.

#### Steep Slopes

Engineer Ruschke explained that the current ordinance regulates three different slope categories. As slope increases, the allowable disturbance decreases. Currently there is no minimum that would cause the regulations to take effect. Disturbance of 5000 ft<sup>2</sup> would require a soil erosion and sediment control plan. Attorney Woodward said that he would prepare a draft ordinance for the Committee to discuss at the next meeting. Engineer Ruschke said that the suggested changes in the Township code were prompted by a large number of variance applications involving de minimis amounts of steep slope.

#### Porticos

Engineer Ruschke said that the Board of Adjustment has been receiving a lot of applications for variances related to porticos. He recommended that porticos extend no further than seven feet into a front yard, plus steps. Committeeman O'Connor suggested that the maximum intrusion be six feet. Attorney Woodward suggested that the intrusion be limited to 5 feet in the R4 zone.

**Hearing of Citizens/Petitions**

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

**Executive Session**

**RESOLUTION 2010-P-03  
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

**Personnel Matters**

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 Tubbs moved to go into pass Resolution 2010-P-03 to go into Executive Session at 11:25 PM. Committeeman Gallop seconded the motion, and it carried unanimously.

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

The Committee returned from Executive Session at 12:03 AM.

Mayor Hagner moved to adjourn at 12:03 AM. Deputy Mayor Tubbs seconded the motion and it carried unanimously.

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Gregory J. LaConte  
Deputy Municipal Clerk