

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

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:30 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

Mayor Hagner said that a discussion would be held on the composition of the Open Space Committee, and that the CAF presentation would be held at the July 22, 2010 meeting. Committeeman O'Connor asked that a discussion be held on portable storage containers.

Committeeman O'Connor moved to approve the Agenda as amended. Committeeman Gallop seconded the motion, and it carried unanimously.

Reports

Deputy Mayor Tubbs reported that the Finance Committee met with the Township Auditor to discuss the 2009 Annual Audit. There were several minor findings that would be addressed. Committeeman O'Connor reported that he, Mayor Hagner and Engineer Ruschke walked Lafayette Avenue to review which trees would be removed as part of the paving and sidewalk improvement project. The Township Arborist's initial report advised that 28 trees be removed. Upon further review, it was determined that up to 13 of them could be saved, and some of the removed trees would be replaced. Committeeman O'Connor also indicated that New Jersey American Water wants to present the Environmental Commission with the \$5,000 grant check. Mayor Hagner reported that the recent discoloration of drinking water is due to high water demand, and Administrator Ciccarone added that the discoloration is the result of iron sediment being disturbed as water flow was redirected to meet the demand. He also indicated that there are not presently any water usage restrictions. Mayor Hagner reported that the first Summer Series would be a Battle of the Bands on July 13, 2010. Furthermore, as the Acting Court Administrator had resigned, the Township will be working with Chatham Borough. Mayor Hagner also reported that she and Administrator Ciccarone met with Chatham Borough officials, and agreements will be made to fund lighting at Shunpike Field. Engineer Ruschke reported that the contracts were sent out for signature for the Lafayette Avenue Improvements project. He also reported that a substantial amount of grading has been done at Shunpike Field, and the contractor needs to identify an additional source of fill.

Public Hearing/Final Adoption of Ordinances

**ORDINANCE 2010-12
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, PROHIBITING SMOKING ON CERTAIN
MUNICIPAL PROPERTY**

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 at Chapter III, Police Regulations, to add Section 3-11, Smoking Regulations, as follows:

1. Chapter 3, Police Regulation, is hereby amended to add §3-11, *Smoking Regulations*, as follows:

3-11. Smoking Regulations.

3-11.1. Smoking Prohibited.

To protect members of the public from the hazards of breathing smoke from cigarettes, cigars, and the like, smoking is prohibited in and about any municipal building or structure, or within 50 feet thereof, and in or on any municipally owned park, playground, recreation area or athletic field, including parking lots.

3-11.2. Violations and Penalties.

Any person who violates Section 3-11.1 of this Code shall, upon conviction, be subject to the general penalty set forth at Section 1-5 of this Code.

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

Mayor Hagner opened the Public Hearing on Ordinance 2010-12.

1. Mel Reinhart, Dogwood Drive resident, agrees that smoking is dangerous, but is concerned about too much regulation. He is concerned that government is taking over people's lives.
2. Blanche Blumenfeld, Maple Street resident, congratulated the Township Committee on this ordinance. She cited that smoking causes a lot of deaths, and smoking related illnesses cost a lot of money. Furthermore, Mrs. Blumenfeld said that smoking should not be a deterrent for non-smokers to be in public areas. She also said that cigarette butts are a major cause of pollution.
3. Mel Reinhart reiterated that he is concerned about the overregulation of people's lives.
4. Karen Blumenfeld, the Executive Director of New Jersey Global Advisors on Smokefree Policy (NJ GASP), said that NJ GASP wants to applaud the Township Committee for taking steps to protect people from secondhand smoke. Ms. Blumenfeld cited studies regarding the dangers of secondhand smoke. She also indicated that CDC studies show that Smokefree environments help prevent young people from starting smoking.

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

Committeeman Brower said that he has misgivings about regulating behavior. Although he is against smoking, he does not want the government to be telling people what they can and cannot do. Committeeman Gallop pointed out that people can still smoke at their homes, and this ordinance only applies to smoking on public property. Mayor Hagner voiced her support for this ordinance, and said that it is appropriate to prohibit smoking on public land.

Committeeman Gallop moved to adopt Ordinance 2010-12. Committeeman O'Connor seconded the motion.

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

Consent Agenda

RESOLUTION 2010-146

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 \$818,648.61 and the prior month's payroll of \$484,266.83 Current Fund, \$45,378.50 Sewer No. 1, \$8,542.07 Sewer No. 2, and \$10,583.91 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of July 2010, in the amount of \$3,307,975.47 be paid.

RESOLUTION 2010-147

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 June 24, 2010.

RESOLUTION 2010-148
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 June 24, 2010.

RESOLUTION 2010-149
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING THE BID OF ASPHALT PAVING SYSTEMS FOR THE 2010 MICRO-
SURFACING PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for a Micro-Surfacing Project; and

WHEREAS, bids were duly received and opened on June 30, 2010 at 10:00 a.m.; and

WHEREAS, the bid of Asphalt Paving Systems, in the total amount of \$168,495.00 was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Asphalt Paving Systems is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Asphalt Paving Systems in accordance with the bid specifications.

RESOLUTION 2010-150
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING THE BID OF POWER WITH PRESTIGE FOR THE ENERGY
CONSERVATION MEASURES PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for Energy Conservation Measures; and

WHEREAS, bids were duly received and opened on June 30, 2010 at 10:30 a.m.; and

WHEREAS, the bid of Power With Prestige, in the amount of \$82,657.00 for the base bid was the lowest responsible bid, has been reviewed for compliance with the instructions to bidders and specifications and has been found to be fully conforming, is within the estimate for the cost thereof, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of Power With Prestige is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with Power With Prestige in accordance with the bid specifications.

BE IT FURTHER RESOLVED that the Township reserves the right to award Supplemental Bid Item A and Supplemental Bid Item B at a later time.

RESOLUTION 2010-151
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING JO-ANN MUSOROFITI ACTING MUNICIPAL COURT ADMINISTRATOR AND
JOAN EGAN ACTING DEPUTY COURT ADMINISTRATOR

WHEREAS, there exists a vacancy in the office of the Municipal Court Administrator;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that Jo-Ann Musorofiti is hereby appointed to serve as Acting Municipal Court Administrator commencing on July 1, 2010.

BE IT FURTHER RESOLVED, that Joan Egan is hereby appointed to serve as Acting Deputy Municipal Court Administrator commencing on July 1, 2010.

RESOLUTION 2010-152
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 judgement, an overpayment of property taxes has been made for the following property; and

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
35	5.04	Chase Property Tax Refund Department P.O. Box 961227 Ft. Worth, TX 76161	\$2,590.81

**RESOLUTION 2010-153
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 Joe Basralian (2010)

**RESOLUTION 2010-154
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBERS OF LOCAL EMERGENCY PLANNING COMMITTEE**

BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following individuals be appointed to the Local Emergency Planning Committee for a term ending December 31, 2010:

Chief John Paton	Coordinator
Sgt. Tom Miller	Deputy Coordinator
Richard Kern	Deputy Coordinator
Steven Davenport	Deputy Coordinator
Joseph Sciarretta	Deputy Coordinator
Cathy Condu	Deputy Coordinator
Gregory Impink	Deputy Coordinator
Jim Condu	Deputy Coordinator
Nicole Hagner	Mayor
Carl Woodward	Attorney
Thomas E. Ciccarone	Township Administrator
Chief	Green Village Volunteer Fire Department
Chief	Chatham Township Volunteer Fire Department
Joseph Barilla	Manager Department of Public Works
Captain	Chatham Emergency Squad
John Theese	Board of Health
Tracy Ness	Media Representative
Barbara Chestnut	Red Cross Administrator
Business Administrator	School District of the Chathams
Ed Guy	RACES-radio Official
Tom Salvias	Governmental Access TV/Community Bulletin Board Manager

**RESOLUTION 2010-155
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
SETTING DUE DATE FOR TAXES**

WHEREAS, due to the delay in the certification of state aid figures which in turn delayed the certification of the tax rate by the County, the tax collector has recommended that the due date for the third quarter taxes be changed from August 1, 2010 to September 7, 2010;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that September 7, 2010 be established, as the date taxes are due for the third quarter.

BE IT FURTHER RESOLVED that there shall be a ten (10) day grace period extending to September 17, 2010 at which time interest will accrue back to September 7, 2010.

**RESOLUTION 2010-156
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING DEPUTY RECORDS
CUSTODIANS**

WHEREAS, because the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., has designated the Township Clerk as the custodian of all municipal records and has imposed additional obligations for responding to requests for such records, it has become necessary to appoint deputy records custodians to assist in complying with responses to records requests;

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

1. The Police Department Secretary is hereby appointed as the deputy records custodian for Police Department records.
2. The Tax Collector is hereby appointed deputy records custodian for tax collection records.
3. The Assistant Tax Assessor is hereby appointed deputy records custodian for tax assessment records.
4. The Technical Assistant to the Construction Official is hereby appointed deputy records custodian for construction and land use records.
5. The designated deputy records custodians shall report to the Township Clerk all requests for records and shall follow any instructions given by the Clerk regarding the handling of such records.

RESOLUTION 2010-157

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING THOMAS H. SALVAS AS GOVERNMENTAL ACCESS TV/COMMUNITY BULLETIN BOARD MANAGER

BE IT RESOLVED that the Township Committee of the Township of Chatham hereby approves the appointment of Thomas H. Salvias to the position of Governmental Access TV/Community Bulletin Board Manager effective January 1, 2010.

Mayor Hagner said that the awarding of the contract for the Energy Conservation Measures would only be for the base bid, but the Township would reserve the right to award the supplemental items at a later time. Committeeman Brower asked if the bid specifications would generate the anticipated cost savings. Engineer Ruschke said that the bid specs are based on the Energy Audit. Administrator Ciccarone pointed out that the Township will be eligible for a rebate on the purchase of the lighting fixtures. Regarding the micro-surfacing contract, Mayor Hagner pointed out that this is the initial phase, and Engineer Ruschke said that he would coordinate with the Department of Public Works to perform the necessary preparation work. Deputy Mayor Tubbs asked about the appointment of members to the Local Emergency Planning Committee, and he suggested that the Governmental Access TV/Community Bulletin Board Manager be added to that committee. Administrator Ciccarone said that a resolution would need to be added to the Consent Agenda to officially appoint Mr. Salvias to that position. Regarding the setting of a due date for taxes, Committeeman O'Connor asked how the date September 7, 2010 was chosen. Administrator Ciccarone explained that the due date has to be at least 45 days after bills are sent out. Committeeman O'Connor also asked about the appointment of Deputy Records Custodians. Administrator Ciccarone explained that according to the Open Public Records Act, the Municipal Clerk is the custodian of all records, but each department can have someone designated to maintain that department's records. Committeeman Brower asked if the Summer Music Program is self-liquidating. Administrator Ciccarone said that it is funded by participation fees.

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 Tubbs, Aye; Mayor Hagner, Aye.

Discussion

Screening Ordinance

Deputy Mayor Tubbs said that complaints had been received from residents about outdoor storage of recreational vehicles (RV's) and boats. A neighboring municipality recently adopted an ordinance to deal with this issue, and Deputy Mayor Tubbs wants the Township Committee to discuss if screening for RV's and boats should be required. Attorney Woodward suggested that it could be required that RV's have a separate parking area, not be parked in the front yard, and have adequate screening. He also discussed the possible height of such screening. Furthermore, as this problem is mostly relevant in the R4 zone, it would be possible to forbid storage of boats

and RV's in that entire zone. Deputy Mayor Tubbs said that property size is a factor, because on larger properties it would be possible to store something such as a boat or RV without being bothersome to neighbors. Administrator Ciccarone said that in the instances for which complaints have been received, the RV's are stored on small properties where shielding would be difficult. Committeeman Gallop asked if there would be a grandfather clause for people who already own and store a boat or RV. Attorney Woodward described the rules regarding pre-existing non-conforming land uses. He also said that perhaps regulations could be enacted to limit the size of boats and RV's that can be stored on residential properties. Committeeman Brower said that in this community, people take pride in their property maintenance, and it is not appropriate to store RV's on residential lots. He also suggested that perhaps the Township could create a parking area. Attorney Woodward raised a concern about liability issues if the Township created such a site. Administrator Ciccarone said that boats can be stored in marinas, and likewise there are facilities where RV's can be stored. He also said that this is not a widespread issue, and there is an instance in particular where an RV is being stored on a property in the R4 zone, which is limiting a neighbor's ability to sell their property. Mayor Hagner proposed that an ordinance be drafted to have a setback and screening requirement in zones where RV's would be allowed, and that they be prohibited in zones with small properties. Administrator Ciccarone suggested that a sampling be made of other towns to see how this subject is addressed.

Portable Storage Containers

Committeeman O'Connor said that Cranford has adopted an ordinance limiting the duration for which portable storage containers can be kept on a property. Attorney Woodward advised that instead of banning such storage containers, the Committee could determine an appropriate amount of time for which they could be on a property and that there could also be regulation of where on a property they would need to be placed. Committeeman Gallop asked about enforcement of such an ordinance. Attorney Woodward said that a summons would be issued and the violator would need to appear before municipal court. Administrator Ciccarone opined that rather than having this be a zoning matter, that it fall under property maintenance. Committeeman O'Connor suggested that there be a three month limit, with a possible extension of up to three months. Deputy Mayor Tubbs proposed that six months be the absolute longest amount of time that temporary storage units be allowed. The Committee also discussed if dumpsters should be dealt with in this ordinance, and Administrator Ciccarone said that dumpsters should be handled separately.

Shunpike Field Agreement

Mayor Hagner said that she and Chatham Borough Mayor Vaughn are in agreement to amend the current shared service agreement, and that the agreement would address funding for lighting at Shunpike Field. She also said that Attorney Woodward prepared a draft of the revised agreement. The funding will come from the Township, the Borough, the Chatham Athletic Foundation, and some other groups such as Chatham United and the Booster Club.

Open Space Committee Composition

Mayor Hagner said that the Chairman of the Open Space Committee, Dana McClintock, has asked if the Township Committee would consider amending the Open Space membership. The current ordinance specifies that one of the members should be a liaison from the Recreation Advisory Committee, however over the past few years the liaison from the Township Committee has at the same time unofficially served as the liaison from the Recreation Committee. It has been asked if an extra member from the public could be appointed to the Open Space Committee when there is not an official liaison from the Recreation Committee. Deputy Mayor Tubbs asked if the Township Committee finds it necessary to have a liaison from the Recreation Committee serve on the Open Space Committee, and if the appointees from the Township to the Recreation Committee had been asked if they would be interested in serving as a liaison to Open Space. Administrator Ciccarone advised that he does not foresee much of a need for a Recreation Committee appointee to the Open Space Committee, as there would not be much land acquired to build recreation facilities. Deputy Mayor Tubbs suggested that the appointment be an at-large member, and the designation could be changed back to a representative from the Recreation Committee at a later time if necessary. Committeeman Brower questioned if it was even

necessary to have an Open Space Committee. Mayor Hagner said that so long as the Township has an Open Space tax, there should be an Open Space Committee.

Old Business

Committeeman Brower asked if any decisions had been made regarding a suggestion made by a member of the public that the Recycling Center be closed. Administrator Ciccarone said that the issue is still being studied. Committeeman O'Connor added that not having curbside pickup would save more money than closing the Recycling Center.

Hearing of Citizens/Petitions

Mayor Hagner opened the Hearing of Citizens.

1. Bob Froelich, Woodlawn Drive resident, said that his next door neighbor has an RV alongside the property line. As the RV has not been moved in over nine years and is being used for storage, he asked why it would be treated differently from a portable storage container. Mayor Hagner said that because RV's are vehicles, they have to be treated differently from storage containers. Administrator Ciccarone said that if the RV is not properly registered and inspected, the Township could address it under current regulations.
2. Jocelyn Colquhoun, Madison Resident, said that she read that there are plans to move forward with lights at Cougar Field, but she has not heard it discussed at Township Committee or Board of Education meetings. Administrator Ciccarone said that any such applications would be submitted to the Planning Board, and to his knowledge no such application has yet been made.

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

Committeeman O'Connor moved to adjourn at 9:38 PM. Committeeman Gallop seconded the motion, and it carried unanimously.

Gregory J. LaConte
Deputy Municipal Clerk