

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
July 22, 2010

Mayor Hagner called the regular 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, Deputy Mayor Tubbs and Mayor Hagner. Committeeman Brower was absent.

Approval of Agenda

Mayor Hagner added a brief presentation on the Mayor's Wellness Campaign and the discussion of a request for a waiver of construction fees to the Agenda. Administrator Ciccarone asked that Resolution 2010-169 be added to the Consent Agenda.

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

Presentations

Chatham Athletic Foundation

Mayor Hagner said that the Chatham Athletic Foundation (CAF) would be discussing their Brick Paver Fundraising Campaign. Vicki Anello from the CAF gave the presentation. A courtyard will be installed at Shunpike Field, where the brick pavers would be placed. CAF has already received about 100 pledges to buy bricks. In addition to selling bricks, CAF would like to raise money by selling naming rights to such things as benches, picnic tables, bleachers, and dugouts. Mrs. Anello also described the measures to be used to advertise this campaign. Mr. Gallop inquired about naming rights for items other than the bricks. Mrs. Anello said that brass plaques could be placed on the benches, bleachers, dugouts and tables stating that the person sponsored that item. Deputy Mayor Tubbs said that other organizations in the area have successfully run similar campaigns, and he commended the volunteers in the CAF for their efforts. Committeeman O'Connor suggested that CAF might want to consider selling the naming rights for tables, benches and such for a specified timeframe, so as to be able to continue raising funds by reselling said naming rights. Mayor Hagner thanked the CAF for their fundraising efforts. Mr. Tom Winter from CAF said that they have reached out to other private athletic clubs to contribute to the brick campaign.

Mayors' Wellness Campaign

Committeeman O'Connor reported that in the Mayors' Wellness Campaign, residents would pledge to engage in certain amounts of exercise while working toward fitness goals. The program is meant to encourage healthier lifestyles. The Borough of Chatham is already conducting such a campaign, which the Township could join.

Reports

Mayor Hagner reported that the \$18,474.00 reimbursement for the Energy Audit was received. She also reported that the Battle of the Bands event was held, and all the bands did a fantastic job. Administrator Ciccarone reported that a bond anticipation note sale was conducted, with a

total of \$5.8 million. The low bidder bid an interest rate of 1.5% with a premium that would lead to a net interest cost of 0.56%. A written report will be prepared for the Township Committee. Mayor Hagner asked if it would be possible to meet with the Morris County Freeholders regarding dispatching services. Administrator Ciccarone said that he is waiting to hear back from the County Administrator if a July meeting would be possible. Attorney Woodward reported that he has forwarded to Chatham Borough the draft of the amended Shunpike Field agreement, and he expects that the Borough Council will approve it. Mayor Hagner indicated that CAF is reviewing the agreement as well. Engineer Ruschke reported that drainage improvements at Shunpike Field are set to begin. He is also negotiating with the contractor for lighting costs. Lafayette Avenue Improvement contracts have been received, and Engineer Ruschke is working with the contractor to have the work begin.

Hearing of Citizens

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

Consent Agenda

**RESOLUTION 2010-158
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM VARIOUS BOARDS
AND COMMITTEES**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector – June
- Animal Control – June
- Municipal Court – June
- Construction Official – June
- Fire Official – April, May, June
- Licensing Official – Second Quarter
- State Training Fees – Second Quarter
- Registrar of Vital Statistics – Second Quarter

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

- Open Space – April, May, June

**RESOLUTION 2010-159
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 July 8, 2010.

**RESOLUTION 2009-160
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
CERTIFYING REVIEW OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2010-161

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A PLUMBING SUB-CODE OFFICIAL.

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Christopher J. Gibbons is hereby appointed to serve as the Plumbing Sub-code Official for the Township of Chatham effective August 1, 2010 under a services contract. Billing shall be monthly for actual hours worked at a rate of \$37.50 per hour, not to exceed \$1,200 per month.

RESOLUTION 2010-162

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING GREGORY J. LACONTE MUNICIPAL CLERK

BE IT RESOLVED, by the Township Committee of the Township of Chatham that in accordance with NJSA 40A:9-133 Gregory J. LaConte is hereby appointed to serve as the Municipal Clerk for a term of three (3) years commencing on August 1, 2010 at an annual pro-rated salary of \$56,265.

RESOLUTION 2010-163

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CHIEF FINANCIAL OFFICER.

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Debra A. King is hereby appointed to serve as chief financial officer effective August 1, 2010 for a four year term commencing on January 1, 2010 at an annual pro-rated salary of \$7,000

RESOLUTION 2010-164

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of this municipality has previously issued the following tax sale certificates to William W. & Anna M. Riker:

<u>Date</u>	<u>Block</u>	<u>Lot</u>	<u>Certificate #</u>
June 28, 2007	139	14	07-03
June 28, 2007	139	18.04	07-06
June 28, 2007	128	13	07-07
June 28, 2007	64.04	7.09	07-09

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the

appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

RESOLUTION 2010-165

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of this municipality has previously issued the following tax sale certificates to Ralph Markiewicz:

<u>Date</u>	<u>Block</u>	<u>Lot</u>	<u>Certificate #</u>
July 16, 2009	69	15	09-02
July 16, 2009	83	1	09-06
July 16, 2009	102.11	4	09-07

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

RESOLUTION 2010-166

RESOLUTION OF THE 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>
Elena & Nick Nadguada 296 Lafayette Avenue Chatham, NJ 07928 Re: Road Open Inspection Fee 09-106-18	7760011271	\$4,565.00

RESOLUTION 2010-168

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 14, 2010;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that September 14, 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 24, 2010 at which time interest will accrue back to September 14, 2010.

RESOLUTION 2010-169
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING STEVEN E. HENNELLY LIEUTENANT IN THE CHATHAM TOWNSHIP
POLICE DEPARTMENT

BE IT RESOLVED, by the Township Committee of the Township of Chatham that Steven E Hennelly is hereby appointed Lieutenant in the Chatham Township Police Department, effective August 1, 2010.

Mayor Hagner announced that the Township Committee would be appointing the Plumbing Sub-Code Official, the Municipal Clerk, the Chief Financial Officer and a Police Lieutenant. She also pointed out that the certification of review of the Annual Audit is on the Consent Agenda. Administrator Ciccarone said that the certification is just to indicate that the Township Committee has reviewed the general comments section of the Annual Audit. He also commented on a recommendation that the Township have an actuary value the liability for post-retirement health insurance, and he said that the study would be performed. Deputy Mayor Tubbs asked about the appointment of a Plumbing Sub-Code Official. Administrator Ciccarone said that Bill Olinger retired from the position a few months ago, and the Township is required to fill the vacancy. The individual to be appointed has filled in for Mr. Olinger in the past, and it has been recommended that he be formally appointed. Payment will be based on an hourly rate for work performed as per a contract. Mayor Hagner indicated that Resolution 2010-167 would be pulled from the Consent Agenda.

Committeeman O'Connor moved to approve the Consent Agenda. Committeeman Gallop seconded the motion.

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

Mayor Hagner announced that a swearing in ceremony for Lieutenant Hennelly would be held at the Township Committee meeting on August 19th. Deputy Mayor Tubbs suggested that the new Municipal Clerk and CFO be sworn in at that time as well.

Discussion

Open Space Committee Composition

ORDINANCE 2010-13
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY AMENDING CHAPTER II, ADMINISTRATION, OF THE TOWNSHIP CODE
TO MODIFY THE DESIGNATION OF MEMBERS OF THE OPEN SPACE ADVISORY
COMMITTEE

BE IT ORDAINED, by the Township Committee of the Township of Chatham that the Chapter II of the Code of the Township of Chatham at Section 2-28, Open Space Advisory Committee, is amended at Subsection 2-28.2b to read as follows:

Section 1.

- 2-28.2.b.** The membership of the Open Space Advisory Committee shall include:
1. A member of the Township Committee;
 2. A member of the Planning Board;
 3. A member of the Environmental Commission;
 4. Six (6) residents of the Township of Chatham.

Section 2. This Ordinance shall take effect in accordance with law.

Mayor Hagner said that this ordinance would replace the Recreation Committee liaison to the Open Space Committee with an additional appointee from the public.

Committeeman O'Connor moved to introduce Ordinance 2010-13. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2010-13 will be scheduled for August 19, 2010.

Portable Home Storage Units

ORDINANCE 2010-14

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER XXX, LAND DEVELOPMENT, OF THE TOWNSHIP CODE TO ADD A NEW SUBSECTION TO SECTION 30-96.17, OUTDOOR STORAGE, TO REGULATE PORTABLE HOME STORAGE UNITS (PODS)

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

Section 1. Section 30-96.17, Outdoor Storage, is hereby amended to provide that the text of the existing section is renumbered as 30-96.17.a, General.

Section 2. Section 30-96.17, Outdoor Storage, is also amended to add subsection 30-96.17.b, Portable Home Storage Units (PODS), as follows:
Portable Home Storage Units (PODS).

- (1) Portable Home Storage Unit (POD) – A portable shed or storage container, storage unit, shed-like container or other portable structure that can or may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory structure.
- (2) A portable home storage unit may be placed upon any property only upon the issuance of a permit by the Zoning Officer. The application fee is \$25.00.
- (3) Permits will be granted for a period of 90 days. At the expiration of the 90-day period, the permittee may seek one extension of the permit for up to an additional 90 days for an additional fee of \$25.
- (4) PODS are prohibited from being placed in streets or in front yards of a property. PODS units must be kept in the driveway of the property at the furthest accessible point from the street. All locations must be paved off-street surfaces. All other locations must be pre-approved by the Zoning Officer and unobtrusive in nature.
- (5) This ordinance shall be enforced by the Police Department and the Zoning Officer.

Section 3. All other provisions of Chapter XXX, Land Development shall remain unchanged.

Section 4. This ordinance shall take effect as provided by law.

Attorney Woodward explained that this ordinance would require permits for portable storage units, and permits would be for a 90 day period, with a possible extension of 90 days. The units would also be required to be kept on driveways. Administrator Ciccarone stressed the importance of addressing where the storage units could be kept.

Committeeman O'Connor moved to introduce Ordinance 2010-14. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2010-14 will be scheduled for September 23, 2010.

Waiver for Building Permits

RESOLUTION 2010-170

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM GRANTING A WAIVER FOR CONSTRUCTION PERMIT FEES

WHEREAS, a request was received from Vincent and Susan Walsh for a waiver of Construction Permit Fees; and

WHEREAS, the nature of the construction project is to make their home more handicapped-accessible for a disabled member of the household; and

WHEREAS, the granting of such a request is consistent with N.J.S.A. 52:27D-119 et seq. and N.J.S.A. 40:55D-8(e);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the request made by Vincent and Susan Walsh for a waiver of Construction Permit Fees be granted.

Mayor Hagner said that a letter was received from a resident seeking an exemption from construction permit fees. Attorney Woodward said that the Township can grant this request due to the current statute, and he can draft an ordinance to apply to future applications.

Committeeman O'Connor moved to pass Resolution 2010-170. Committeeman Gallop seconded the motion.

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

Hearing of Citizens

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

Executive Session

**RESOLUTION 2010-P-07
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
- Contract Negotiations
- Property Acquisition

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.

Committeeman O'Connor moved to pass Resolution 2010-P-07 to go into Executive Session at 8:47 PM. Committeeman Gallop seconded the motion.

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

The Committee returned from Executive Session at 9:28 PM.

The meeting was adjourned at 9:28 PM.

Gregory J. LaConte
Deputy Municipal Clerk