

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
DECEMBER 17, 2009**

Deputy Mayor Hagner called the regular meeting of the Township Committee of the Township of Chatham to order at 7:34 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.

Deputy Mayor Hagner led the flag salute.

**Roll Call**

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

**Approval of Agenda**

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

**Special Recognition/Proclamation**

**RESOLUTION 2009-236  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM HONORING ROBERT LANNER FOR HIS YEARS OF FAITHFUL AND  
DEDICATED SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

**WHEREAS, Robert "Bobby" Lanner** began his employment with the Township on April 21, 1971 when he was hired to work as a mechanic in the Department of Public Works, and

**WHEREAS, Bobby Lanner** was promoted to the position of Foreman in 1990 and supervised the mechanics shop for the past 19 years, and

**WHEREAS, Bobby Lanner** has done an outstanding job keeping the Township's fleet of trucks, police cars, ambulances and equipment running through countless storms of winter and heat of the summer, and

**WHEREAS, Bobby Lanner** has been one of the most dedicated, loyal employees who is admired and respected by his coworkers and has now decided to retire so that he may spend more time with his wife Vicky and their children and grandchildren, while also touring the country with his '34 Ford Coupe, and

**WHEREAS, Bobby Lanner** served his country as a member of the U.S. Navy for four years during the Viet Nam War before spending the past 38 ½ years with the Township, and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that we hereby, recognize, and extend our deep appreciation to **Robert Lanner** upon the occasion of his retirement, for his many contributions to our community, and extend to him and his family our best wishes for success and happiness in the future.

Deputy Mayor Hagner read aloud Resolution 2009-236 honoring Bobby Lanner. She also recognized Mr. Lanner and the Public Works Department for all their hard work. Public Works Director Joe Barilla recognized Mr. Lanner's accomplishments, and said that the Department of Public Works is losing a very valuable member.

**Hearing of Citizens/Petitions**

Deputy Mayor Hagner opened the Hearing of Citizens.

Hearing none, Deputy Mayor Hagner closed the Hearing of Citizens.

**Public Hearing/Final Adoption of Ordinances**

**Ordinance 2009-19**

**ORDINANCE 2009-19**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND REGULATIONS REGARDING PLACEMENT OF SNOW OR ICE ON STREETS, SIDEWALKS OR FIRE HYDRANTS**

**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 at Chapter XIX, Streets and Sidewalks, to revise Section 19-10.6, Placing Snow or Ice on Streets, Sidewalks of Fire Hydrants Prohibited, to read as follows:

**Section 1. Chapter XIX, Streets and Sidewalks**

**Section 19-10.6**

**19-10.6 Placing Snow or Ice on Streets, Sidewalks of Fire Hydrants Prohibited.**

No person, including any property owner, shall place, or allow or cause to be placed, snow or ice upon any street, road, sidewalk or municipal right of way, nor, without the owner's permission, upon the lands of any property near, adjoining or across the street from the property from which the snow or ice has been removed. No such person shall place such snow or ice in a manner that will obstruct or impede vehicular or pedestrian traffic or block access to any street, road or sidewalk. No person shall place any snow or ice upon or near any fire hydrant. In the event that the plowing of snow or ice in a driveway cannot reasonably be accomplished without moving some snow or ice onto a street, road or right of way, such snow or ice shall be immediately plowed back onto the property from which it was moved.

**Section 2. Effective Date.** This ordinance shall take effect as provided by law.

Deputy Mayor Hagner reviewed the highlights of this ordinance. Committeeman O'Connor said that it is basically an extension of the existing ordinance.

Deputy Mayor Hagner opened the Public Hearing on Ordinance 2009-19. Hearing none, Deputy Mayor Hagner closed the Public Hearing.

Committeeman Brower moved to adopt Ordinance 2009-19. Committeeman O'Connor seconded the motion.

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

**Ordinance 2009-20**

**ORDINANCE 2009-20**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER XII, "FIRE PREVENTION", OF THE TOWNSHIP CODE TO ADD SUBSECTION 12-3, "KEY LOCK BOX SYSTEM"**

**WHEREAS**, the Township Committee of the Township of Chatham, New Jersey has determined that the health, safety and welfare of the citizens of Township of Chatham are promoted by requiring certain structures to have key lock box entry systems installed on the exterior; and

**WHEREAS**, the key lock box entry system is being adopted nationally and will operate on a master key basis that will expedite entry into structures by the Chatham Township and Green Village Fire Departments during times of emergency; and

**WHEREAS**, the key lock box entry system will eliminate forced entries into structures thereby avoiding costly and time-consuming efforts in gaining access to locked structures during an emergency; and

**WHEREAS**, the Township Committee of the Township of Chatham, New Jersey is authorized to pass this ordinance;

**NOW THEREFORE, BE IT ORDAINED**, that the following is adopted in the Township of Chatham Code of Ordinances:

**12-3 Key Lock Box System**

### **12-3.1 Definition:**

*Lock Box:* An Underwriter's Laboratory type secured box or vault of a size and style approved by the Township Fire Marshal or his designee, which contains key(s) for the exclusive use of the Chatham Township and Green Village Fire Departments to access the premises in an emergency.

### **12-3.2 Key Lock Box Required**

The following structures equipped with or required to be equipped with fire detection or fire suppression systems or equipment shall have a Key Lock Box installed at or near the main entrance of each structure or such other location as required by the Township Fire Marshal or his designee:

- a. Commercial or business structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- b. Governmental structures, churches, schools and nursing care facilities.
- c. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to living units.

### **12-3.3 Key Lock Box location contents and installation**

1. The Township Fire Marshal or his designee shall approve in writing the type of Lock Box.
2. The Township Fire Marshal or his designee shall approve the installation location of the Lock Box.
3. The Lock Box shall be installed as per manufacturer specifications and approved by the Fire Marshal or his designee.
4. The owner of each structure required to have a Lock Box shall, at all times, be required to keep the following in the Lock Box, as required by the Township Fire Marshal or his designee.
  - (a) Keys to locked points of ingress, whether on interior or exterior of such buildings.
  - (b) Keys to the locked mechanical rooms.
  - (c) Keys to the locked elevator rooms.
  - (d) Keys to the elevator controls.
  - (e) Keys to any fence or secured areas.
  - (f) All access or combination codes to locked points of egress or ingress, whether on interior or exterior of such buildings.
  - (g) A "business size" card containing the emergency contact person and phone number for such building or unit.

### **12-3.4 Maintenance and Associated Cost**

In the event, the key to the structure is changed or re-keyed, the owner/operator of the building shall immediately notify the Township Fire Marshal or his designee and provide the updated access key. The key to the lock shall be secured in the key box. The property owner shall assume all associated costs for the purchase and installation of a Key Box(s).

### **12-3.5 Compliance**

- (a) The owner(s) of a structure subject to this ordinance in existence on the effective date of this ordinance shall have 120 days from its effective date to comply with this ordinance.
- (b) The owner(s) of each newly constructed structure subject to this ordinance shall have a lock box installed and operational in accordance with this ordinance prior to issuance of a certificate of occupancy.

### **12-3.6 Violations and Penalties**

Any building owner or operator violating any provision of this Lock Box Ordinance shall be subject to a fine of \$100.00 for every violation of this ordinance. The existence of a violation for a period of up to 30 continuous days shall constitute a single violation. The Township Fire Marshal shall notify the responsible party of any violation in writing. Within 30 days of the service of such notice, the owner/operator shall correct the violation or show why the structure was not subject to this ordinance. The Township Fire Marshal shall consider such information, reaffirm or rescind the Lock Box fine and notify the owner of his/her decision by mail. The owner/operator may appeal the decision of the Township Fire Marshal within 20 days after service of the notice of decision by submitting an appeal in writing to the Township Committee which shall hold a hearing thereon and shall affirm, reverse or modify the decision of the Township Fire Marshal.

**EFFECTIVE DATE:** This ordinance shall take effect as provided by law.

Deputy Mayor Hagner summarized this ordinance, and said that ordinances like it are being adopted nationally. Furthermore, the lock box program is supported by both the Police Department and the fire departments.

Deputy Mayor Hagner opened the Public Hearing on Ordinance 2009-20.

1. Sue Hoag, Long Hill Lane resident, asked how this ordinance would apply to the Briarwood-Coachlight condominiums. She also said that there is no clear statement that private units would not be required to have a key in the lock box. Deputy Mayor Hagner said that the ordinance only applies to areas with restricted access, thus would not apply to the accessible areas of the Briarwood-Coachlight condominiums. Also, placement of keys for private units would be voluntary. Fire Marshal Barry Howard said that for Briarwood-Coachlight, the main concern at this time is the boiler rooms, which are locked. Mrs. Hoag said that the voluntary nature of placing keys for private units in the lock boxes should be explicitly stated in the ordinance. Administrator Ciccarone said that there is nothing in the ordinance suggesting that keys for private units would need to be placed in the lock boxes.

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

Committeeman Brower moved to adopt Ordinance 2009-20. Committeeman O'Connor seconded the motion.

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

### **Consent Agenda**

#### **RESOLUTION 2009-236**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM HONORING ROBERT LANNER FOR HIS YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

**WHEREAS, Robert "Bobby" Lanner** began his employment with the Township on April 21, 1971 when he was hired to work as a mechanic in the Department of Public Works, and

**WHEREAS, Bobby Lanner** was promoted to the position of Foreman in 1990 and supervised the mechanics shop for the past 19 years, and

**WHEREAS, Bobby Lanner** has done an outstanding job keeping the Township's fleet of trucks, police cars, ambulances and equipment running through countless storms of winter and heat of the summer, and

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**WHEREAS, Bobby Lanner** served his country as a member of the U.S. Navy for four years during the Viet Nam War before spending the past 38 ½ years with the Township, and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that we hereby, recognize, and extend our deep appreciation to Robert Lanner upon the occasion of his retirement, for his many contributions to our community, and extend to him and his family our best wishes for success and happiness in the future.

#### **RESOLUTION 2009-237**

#### **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 – November  
 Animal Control – October  
 Chatham Emergency Squad – November  
 Municipal Court – October, November  
 Construction Official – October, November  
 Public Works – October, November  
 Police Department – October  
 Dog/Cat Licensing Official – Quarterly Report

**RESOLUTION 2009-238  
 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 December 3, 2009.

**RESOLUTION 2009-239  
 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 December 3, 2009.

**RESOLUTION 2009-240  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
 CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,  
 CANCELLATION OF STALE DATED CHECKS**

**WHEREAS**, there exist various reconciling items on the balance sheet of the Municipal Court General Fund and the Bail Account; and

**WHEREAS**, the funds creating these reconciling items have been investigated and it has been determined that these reconciling items should be cancelled; and

**WHEREAS**, these cancelled funds will be returned to their respective funds and or accounts;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the following reconciling items are hereby cancelled:

**Bail Account**

*Miscellaneous Funds*

<u>Date</u>	<u>Amount</u>
8/2008	\$659

**RESOLUTION 2009-241  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
 CHATHAM AUTHORIZING BUDGET TRANSFERS**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2009 municipal budget, are not sufficient to meet anticipated expenses; and

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

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

**Current Fund**

Appropriation	To	From
Road Repairs OE	\$6,000	
Colony Pool OE	\$5,000	

Colony Pool S&W		\$5,000
Code Enforcement OE		\$6,000
<b>Total</b>	\$11,000	\$11,000
<b>Water Pollution Control</b>		
WPC I OE	\$17,000	
WPC I S&W		\$17,000
<b>Total</b>	\$17,000	\$17,000

**RESOLUTION 2009-242  
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 \$415,722.07 be paid.

Regarding the bill list, Committeeman Brower pointed out that the uniform delivery company is still charging a fuel surcharge. He also suggested that the Township should consider not making certain contributions that were made in the past. Administrator Ciccarone said that a payment for refreshments for the Marching Band comes from the Municipal Alliance Trust, and the trust is funded through donations and fundraising activities. He further explained the manner in which the Municipal Alliance is funded, and agreed with Committeeman Brower that organizations receiving public funds should be subject to public scrutiny. Committeeman Brower also asked about Paddle Tennis Association dues. Administrator Ciccarone said that the fees paid by the paddle tennis players should cover the association dues.

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

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

**Announcements**

Deputy Mayor Hagner announced that the Chatham Township Fire Department Christmas Tree Sale is still going on until December 20, 2009. Furthermore, the Borough of Madison has a limited number of parking permits for their train station available to Chatham Township residents. Committeeman O'Connor said that the State has lifted the restrictions on the availability of the H1N1 flu shot. Administrator Ciccarone said that the Madison Health Department recently made the shot available to Township employees, and the next step will probably be to make it available for residents. Committeeman Brower said that local pharmacies that have clinics may also have shots available.

**Hearing of Citizens/Petitions**

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

**Other Business**

Committeeman Brower said that he has received positive feedback on how nice the Municipal Building looks, and the Senior Center appreciates the improvements. Administrator Ciccarone said that more improvements would be made in 2010. Committeeman Brower also addressed fluorescent light bulbs containing mercury. Deputy Mayor Hagner wished everybody a happy holiday and a happy new year. Administrator Ciccarone thanked the Township Committee for

all the support they have shown the Township staff. He also indicated that municipal offices would be closed on Christmas Eve, Christmas Day, and New Year's Day.

**Executive Session**

**RESOLUTION 2009-P-17  
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

Contract Negotiations  
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.

Committeeman O'Connor moved to pass Resolution 2009-P-17 to go into Executive Session at 8:07 P.M. Committeeman Brower seconded the motion.

The Township Committee returned from Executive Session at 8:28 P.M.

Committeeman O'Connor moved to adjourn at 8:28 P.M. Committeeman Brower seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Deputy Municipal Clerk