

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
MAY 12, 2005**

Mayor O'Connor called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 p.m.

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 7, 2005; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2005; and notice was filed with the Township Clerk on January 7, 2005.

Mayor O'Connor led the flag salute.

Answering present to the roll call were Committeewoman Hagner, Committeeman Brower, Committeeman Hartford, Deputy Mayor DeMeo and Mayor O'Connor.

Approval of Agenda

Deputy Mayor DeMeo motioned to approve the Agenda. Committeeman Brower seconded the motion and it carried unanimously.

Special Recognitions/Awards:

Mayor O'Connor read the two attached Proclamations that proclaim the week of May 8, 2005 through May 14, 2005 as National Nursing Home Week and National Senior Center Week.

Hearing of Citizens

Mayor O'Connor opened the hearing of citizens.

1. George Kadri, Glenmere Drive resident, stated his concern about the blind spot when turning left onto Fairmount Avenue from Southern Boulevard and that recently he noted the No Through Traffic signs at Hilltop are back after the previous Township Committee approved removal last year. Mr. Kadri asked why this decision was overturned. Committeeman Brower explained that the Hilltop residents petitioned the Committee due to concerns relative to the traffic pattern and the safety of their children. Committeeman Brower also thought the town could ask the County for a left turn signal from Southern Boulevard onto Fairmount Avenue. Mr. Kadri suggested a No Left Turn sign from 7:00 a.m. to 9:00 a.m., Monday through Friday, replace the sign at the corner of Southern Boulevard turning left onto Hilltop Terrace to reduce commuter traffic. Mayor O'Connor stated that this request will be considered and Mr. Kadri will be contacted.
2. Art Heyl, Green Village Road resident, read a letter he wrote to the Township Administrator dated March 14, 2005 relative to Oak Knoll athletics fields and noted many issues concerning water conditions that affected property owners in this area. Mr. Heyl believes the Environmental Commission's correspondence had misrepresentations and that the Township Committee should take steps to dismantle the Environmental Commission and reassemble it on an advisory board basis. Committeeman Brower stated that he fully supports Mr. Heyl's comments. Committeewoman Hagner asked about the status as it pertains to the DEP's involvement. Administrator Ciccarone stated that Oak Knoll has complied with all the Township Committee's deadlines, with the exception of restoring the clay pipe that was damaged during construction. Emergency permission was given to Oak Knoll from the DEP to pump the pond to its pre-construction level and maintain it at that level through continued pumping after rainfalls. In an effort to restore the pipe, Oak Knoll needed to apply to the DEP for a General Permit, which has been done, but is a lengthy process. Relative to the Environmental Commission's correspondence, Administrator Ciccarone emphasized that DEP was requested to review and act quickly on approving Oak Knoll's General Permit so the pipe could be restored permanently. Committeewoman Hagner, as liaison to the Environmental Commission, advised that it was the Environmental Commission's intent to persuade the DEP to act quickly to grant approval on the permit. Administrator Ciccarone further advised that there has not been enough rain recently to cause the pond to be pumped. Committeeman Brower stated that the high water mark impacts setbacks for houses on Green Village Road and Mr. Heyl added that there

originally were no wetlands and the situation at the present time is causing damage to the trees.

3. Dan Miller, Green Village Road resident, stated that the Township Committee should take action against the Environmental Commission's attempt to govern and that the Commission should be revamped so as to be supportive to the Township Committee's direction. Mr. Miller also stated it is time that extreme tactics are stopped and not let committees like the Great Swamp Watershed and Ten Towns Committee govern Chatham Township.
4. Peter Hofmann, May Drive resident, asked if the DEP has approved the Woodland Park Project and Administrator Ciccarone stated that a ruling is expected in the next couple of months. Mr. Hofmann repeated his concerns expressed throughout this process, and emphasized that any further efforts on the project should be avoided.

Mayor O'Connor closed the hearing of citizens at this time in order to move to the next agenda item.

Reports

Recreation Study

Dan Mason of Jersey Professional Management was present to explain the results of the study of the recreation departments and committees. Mr. Mason stated that Jersey Professional Management's role was to look at cost savings and service improvements relative to shared services between the Township and Borough. Mr. Mason complimented the recreation directors and committees, acknowledging that there already exists a high level of shared services between the two towns.

Significant Recommendations made by Jersey Professional Management:

1. **Joint Recreation Advisory Committee:** The advisory committee should be stronger than it currently exists and this can be done by appointing a specific number of members, four or five per town, with responsibility of the programming area that would not require the Governing Body's approval from either town, but would allow the veto authority from either Governing Body if there was something controversial. The date for reconstitution of the advisory committee is suggested to be July 1, 2005, with rotating three-year terms with the position of Chairperson rotating between Township and Borough residents.
2. **Staffing:** The recommendation for staffing requirements would include one director, one assistant director and a support staff. At the present time there are two directors, which may cause difficulty in making final determinations and no additional staffing, which is unusual and has foreseeable problems. The creation of one assistant joint recreation director would provide support to both the director and assistant director, and would be groomed to take on the responsibilities of the assistant director or director over the course of time.
3. **Fields and Facilities:** Scheduling programs has been difficult due to a major increase in the variety of sports and a higher level of participation in girl sports. Fields and facilities are insufficient and computerized scheduling was recommended.
4. **Buildings and Grounds:** While there exists Buildings and Grounds crews for the Township, Borough, and School District each, it was recommended that responsibilities be divided among the crews with special projects requiring all crew participation.

Suggestions were distributed to the Township Committee recommending the adoption a resolution to generally accept the recommendations, which include the temporary appointment of a sub-committee that would make recommendations to be formally approved by the governing bodies. It was further suggested that the Township should apply for another grant for funds up to \$100,000 that may include the first year salary of the assistant joint recreation director, implementation of a facility scheduling method, development a Recreation Master Plan, and other appropriate expenses. The Township Committee also received an outline of other services that Jersey Professional Management offers.

Mayor O'Connor asked the Township Committee for comments:

Committeeman Hartford asked what legal entity would be created and the financial split. Mr. Mason replied that there is a choice between creating a Recreation Commission or a Recreation Advisory Committee, with Jersey Professional Management's recommendation being the latter option to serve the two communities. Mr. Mason said most municipalities use population as a basis for financial split between the two communities.

Committeeman DeMeo commented that the study was well done and agrees with Mr. Mason's recommendations. Committeeman DeMeo suggested keeping the momentum going by creating the subcommittee to start formulating their recommendations.

Committeeman Brower agreed the report was written very well, however, believes there should be an addendum relative to the insurance aspect of joint programs. Committeeman Brower asked what Jersey Professional Management recommends the Township do to meet the needs of the private groups requesting field space. Mr. Mason replied that Jersey Professional Management is an advisory group relative to the issue of field space and scheduling. Mr. Mason agrees insurance should be assessed and does need to be coordinated with the risk coordinator and attorneys in order to minimize exposure.

Committeewoman Hagner asked for more specifics relative to the position of assistant joint recreation director. Mr. Mason stated that the proposed position would have a dual function in the beginning, however, that function would develop over the next few years. The starting role would be an office support role and program supervision, which would be divided equally. Mr. Mason anticipated a person familiar with computerized programs to minimize joint services. Committeewoman Hagner asked for the timeframe for applying for the grants and Mr. Mason replied that the State has eliminated a deadline; however, there is a two to three month response time once the grant is submitted to when it is approved. Mr. Mason suggested applying for the grant in the very near future.

Mayor O'Connor asked Mr. Mason to elaborate on the Recreation Master Plan, stating that the plan should encompass a three to five year timeframe, and asked if the assistant joint recreation director position would be a temporary or newly created position. Mr. Mason stated that the position could have a transition period to become the assistant director or the director. The Master Plan could encompass a five to ten year period, specifically incorporating equipment replacements to field and facility needs, as well as regular maintenance. Mr. Mason recommended that the Master Plan be done within the next six to eight months. Mayor O'Connor asked who would be responsible for putting the Master Plan together, and Mr. Mason replied that a combination of three types of people; outside recreation professionals, representatives of the recreation advisory committee, and/or additional members of the community who would volunteer.

Committeeman Hartford asked if the study would be made available to the public. Administrator Ciccarone stated that it would be available the next day, Friday, May 13, 2005.

Committeewoman Hagner asked how the subcommittee would be created and Mr. Mason recommended four of five members comprise the subcommittee from each municipality.

The Township Committee thanked Mr. Mason and Mr. Sharpe. Deputy Mayor DeMeo stated that all individuals interviewed for the preparation of the study should receive a copy.

Hearing of Citizens (Continued):

Mayor O'Connor reopened the hearing of citizens:

5. Michael Dean, Chatham Borough resident, referenced Woodland Park, advising that he addressed the Borough and School Board on this issue relating to the field on school board property that has not yet been approved by the school board, nor has the interlocal agreement been finalized. Administrator Ciccarone advised that the draft of the interlocal agreement is being circulated at this time for review by the attorneys and then will be distributed to the governing bodies. Mr. Dean expressed concern about State and local approvals and suggested a cost analysis be done for the entire site. Administrator Ciccarone advised that the conceptual plans have been available to the public, which have included estimated costs.

There being no further comments, Mayor O'Connor closed the hearing of citizens.

Reports

Bicentennial Committee

Mayor O'Connor reported on the Bicentennial Committee, stating that activities planned include a winter ball on March 11, 2006 from 8:00 p.m. to midnight at Fairleigh Dickinson, and a request was made that the Township Committee dress in 1800-period clothing. The committee has also

scheduled a Firemen's Parade and Country Fair at Shunpike Field for Saturday, September 9, 2006.

Parks and Recreation

Committeewoman Hagner advised that Parks and Recreation met on Tuesday, May 10, 2005 and scheduling of fields with Little League is working out well. Safety concerns with regard to the Milton and Washington Schools were brought to the Committee's attention and were advised that the school board will address the concerns and will keep them apprised of the situation.

Environmental Commission

Committeewoman Hagner reported that the Electronic Recycling was held at the Department of Public Works on Saturday, April 30 and Saturday, May 7, 2005, which went well. A group from Independence Court attended the last two Environmental Commission's meetings who expressed their concerns with Woodland Park. There are two alternate spots open on the Environmental Commission at this time.

Open Space Committee

Committeewoman Hagner reported that there is one opening on the Open Space Committee. The Open Space Plan was distributed to the Township Committee. A bike trail is being worked on which will go through the utility easements in town. A tree was planted on Arbor Day, May 6, 2005.

Committeewoman Hagner suggested advertising the openings available on the Open Space Committee and Environmental Commission on the website and will coordinate this with Administrator Ciccarone. Mayor O'Connor stated that the Environmental Commission was asked to review the Tree Ordinance and they have made recommendations, which will be placed on a future agenda.

Bow Hunting

Committeeman Brower inquired as to the status of the Township Committee's request to extend bow hunting to County property. Administrator Ciccarone stated that there has been no response from the County as of yet, and Administrator Ciccarone will follow-up on this issue.

Planning Board

Committeeman Brower stated that the Planning Board is progressing on finalizing a number of issues relative to the Master Plan update and will be ready to schedule public hearings in the near future.

Committeeman Brower stated that the Environmental Commission and Open Space Committee should be more timely in providing their meeting minutes to the Township Committee and they should also be available on the Township's website. Committeeman Brower asked Committeeman Hartford to follow up with him on the Lyme disease statistics. Deputy Mayor DeMeo stated that minutes are delayed because Boards cannot offer them to the public until they have been approved.

Senior Center

Deputy Mayor DeMeo announced that he would be attending the luncheon at the Senior Center that was celebrating its 15th Anniversary. Deputy Mayor DeMeo distributed the Senior Center report, which states the number of visitors, the number of calls received, allocations between the Borough and Township, and statistics on attendance for bus trips, shopping trips, and medical visits. Committeeman Hartford asked about the Board of Education's outreach program to seniors and Deputy Mayor DeMeo stated that the President of the Board is going to contact the Superintendent for more information

Police

Deputy Mayor DeMeo advised that Chief Goeckel is recommending the Towing Ordinance, which is on the Agenda under Discussion Items, and will be addressed later.

Board of Health

Committeeman Hartford stated that he has received the statistics on Lyme disease from Madison Health Department which stated that last year there were 10 cases reported, and the prior four years has an average of four cases reported. Committeeman Hartford emphasized the importance to develop and monitor these statistics and post information on the website relative to prevention.

The Board of Health has placed the Noise Ordinance on the website. Committeeman Hartford stated that the Board of Health has discussed asbestos and hazardous materials released during demolition. Administrator Ciccarone advised that the Construction Official is preparing a document for the Township Committee and Board of Health to review. Committeeman Hartford also has lead paint concerns. Committeeman Brower asked that the Township Committee receive copies of Board of Health minutes.

PSE&G

Administrator Ciccarone reminded the Township Committee that a couple months back a resident on Long Hill Lane (previously referred to as Swamp Road) appeared before the Committee relative to a tree he wanted to preserve. Administrator Ciccarone advised that the tree has been successfully saved, and PSE&G will prune the tree as needed.

Southern Boulevard Sidewalks

Engineer John Ruschke updated the Township Committee that a pre-construction meeting was held this day with the contractor and DOT representatives of the Township and the work is scheduled to start in two to three weeks. As part of the process, notices will be sent to all property owners affected. Relative to DEP status, the appeal is still outstanding; therefore, the work will proceed only with the base bid. Engineer Ruschke called the DEP and urged them to resolve the issue soon in order for the supplemental bid to commence in this timeframe.

River Road Sewer Project

Engineer Ruschke advised that a public meeting was held and a status report was given. DEP comments are pending on permits. Draft easement descriptions have been received by the surveyor and will be reviewed by Attorney Woodward in order for the acquisition of easements to be started. The DEP did respond to cultural resources and they indicated that no further investigation or studies are needed. Committeeman Brower asked Engineer Ruschke if the residents would be notified as to where their current sewage outlet is located so they are fully aware of possible landscaping changes, and also inquired as to whether the contractor is willing to work with the neighbors who group together to contract for the hook-ups to their individual homes. Administrator Ciccarone advised that the project has not yet gone out to bid, but during the public meeting the community was encouraged to band together to save money and the town will try to facilitate this with them.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2005-006

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,470,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,396,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,470,000, including the aggregate sum of \$73,500 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,396,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby

authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW equipment	\$175,000	\$166,250	15
2.	Purchase of Police equipment	\$360,000	\$342,000	14.22
3.	Road improvements	\$50,000	\$47,500	15
4.	Recreation improvements	\$250,000	\$237,500	15
5.	Building improvements	\$70,000	\$66,500	15
6.	Fire equipment	\$500,000	\$475,000	5
7.	Underground storage tank remediation	\$65,000	\$61,750	15
TOTAL		\$1,470,000	\$1,396,500	

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

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

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 11.407 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$1,396,500. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

Mayor O'Connor opened the hearing on Ordinance 2005-006. Since there were no comments, Mayor O'Connor closed the public hearing.

Mayor O'Connor moved to adopt Ordinance 2005-006. Deputy Mayor DeMeo seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

ORDINANCE 2005-007

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGULATING TURNS AND STOPPING OR STANDING ON PINE STREET IN THE TOWNSHIP

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, 1995 are amended to provide for modifications to Chapter VII, Section 7-10, Stopping Or Standing Prohibited During Certain Hours On Certain Streets, and Section 7-22, Turn Prohibitions, as respects Pine Street as follows:

1. Section 7-10 is hereby modified to add a stopping or standing prohibition on the following street:

<u>Name of Street</u>	<u>Side of Street</u>	<u>Location</u>
Pine Street	Both	From the westerly curblin e of Lafayette Avenue to a point 300 feet northwest thereof between 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., prevailing time, during days school is in session.

2. Section 7-22 is hereby modified to add the prohibition of left turns at certain hours onto Pine Street as follows:

Intersection	Turn Prohibited	Movement Prohibited
From northeasterly on	Left	

Lafayette Avenue to
northwesterly on Pine Street
at the northwesterly
intersection of Lafayette
Avenue and Pine Street
between 7:00 a.m. to 9:00
a.m. and 2:00 p.m. and 4:00
p.m., prevailing time, during
days school is in session.

3. All other provisions of Sections 7-10 and 7-22 shall remain unchanged.
4. This ordinance shall take effect as provided by law.

Mayor O'Connor opened the public hearing; however, hearing no one, Mayor O'Connor closed the public hearing and asked the Township Committee for their comments. Committeeman Brower stated that efforts would be made to monitor the traffic to ensure it is not being shifted to cause problems on another street and, if necessary, this ordinance can be revisited at a later time. Committeeman Hartford referenced a letter received acknowledging concern that the traffic could affect other parts of this neighborhood. Committeeman Hartford also referenced Chief Goeckel's statistics from November 2004 and requested current information. Chief Goeckel stated that the Police Department recently borrowed equipment from the County, but that it was disconnected and the information was lost. Chief Goeckel further advised that the Police Department would try to provide more data.

Committeeman Brower moved to adopt Ordinance 2005-007. Deputy Mayor DeMeo seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

ORDINANCE 2005-008

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING PARKING REGULATIONS AT CERTAIN MUNICIPAL LOTS

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, 1995 are amended to add Section 7-16 to Chapter VII, Parking Regulations at Municipal Lots, as follows:

1. **Section 7-16 Parking Regulations at Municipal Lots.**
 - a. No person shall park any commercial vehicle or truck at the parking lots adjacent to Shunpike Field (both lots), Nash Field (both lots), or Esternay Field at any time, unless such parking is in connection with an ongoing activity at such field.
 - b. No person shall park any vehicle between the hours of 10:00 p.m. and 6:00 a.m. the following morning at the parking lots adjacent to Shunpike Field (both lots), Nash Field (both lots) or Esternay Field.
2. This ordinance shall take effect as provided by law.

Mayor O'Connor opened the public hearing; however, hearing no one Mayor O'Connor closed the public hearing.

Committeeman Brower supports this ordinance, however, these rules should apply to private properties also. Committeeman Brower stated that the issue was raised with Green Village parking areas.

Mayor O'Connor moved to adopt Ordinance 2005-008. Committeeman Brower seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

Introduction of Ordinances:

ORDINANCE 2005-009

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AND MAKING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$42,000 FOR ENGAGEMENT OF SPECIAL CONSULTANT FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN IN CONFORMITY WITH THE PLANNING LAWS OF NEW JERSEY

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

1. Pursuant to the provisions of the Local Budget Law of the State of New Jersey, specifically N.J.S.A. 40A:4-53, a special emergency appropriation in the amount of \$42,000 is hereby authorized and made for the purpose of engaging a special consultant for the preparation of the Periodic Reexamination of the Master Plan in conformity with the planning laws of New Jersey, and such appropriation shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.
2. The special emergency appropriation authorized and made by Section 1 of this Ordinance shall be provided for and funded as shall be determined hereafter by the Township Committee in accordance with and pursuant to said Local Budget Law.
3. A certified copy of this Ordinance as adopted shall be filed with the Director of the Division of Community Affairs.
4. This ordinance shall take effect as provided by law.

Administrator Ciccarone stated that the Planning Board is under an obligation to review the Master Plan and the Planners, Banisch & Associates, have proposed to undertake this work, which was approved by the Planning Board. This Ordinance allows the funding mechanism to pay for such consulting work. Committeewoman Hagner asked if the proposal is for updating the entire Master Plan or portions of it and Administrator Ciccarone advised that this would pay for the conservation element that has been prepared as well as the remainder of the update. Administrator Ciccarone further advised that previous discussions relative to the Recreation Master Plan is not incorporated in this Master Plan. Committeeman Brower advised that the Master Plan could point out future recreation areas, however, would not incorporate recreation programming.

Mayor O'Connor moved to introduce Ordinance 2005-009. Committeewoman Hagner seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

Public hearing is scheduled for May 26, 2005.

Consent Agenda

Mayor O'Connor asked if the Township Committee had any questions that could be addressed prior to approving the Consent Agenda. Committeeman Brower stated that Resolution 2005-096 Payment of Bills specifies an amount of over \$60,000 in planning and engineering fees. Committeeman Hartford requested Resolution 2005-106 Supporting the Community Development Program, Resolution 2005-111 Approving a Memorandum of Understanding Regarding Specialized Firefighting and Emergency Response Equipment, and Resolution 2005-113 Appointing Stuart Koenig, Esq. to Represent the Township in the Fleet Bank Tax Appeal be pulled for discussion.

RESOLUTION 2005-096

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 \$685,883.98 and the prior month's payroll of \$417,153.14 Current Fund, \$39,589.38 Sewer No. 1, \$6,895.17 Sewer No. 2, and \$608.71 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of May 2005, in the amount of \$1,709,137.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the month of May 2005, in the amount of \$1,545,615.30 be paid.

RESOLUTION 2005-097

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that reports of departments for the month of March 2005 be acknowledged as received.

RESOLUTION 2005-098

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMITS FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permits for a One-Day Liquor License are hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Noe Pond Club 395 Southern Boulevard Chatham, NJ 07928	June 18, 2005 August 14, 2005 September 4, 2005	Noe Pond Club 395 Southern Boulevard Chatham, NJ 07928

RESOLUTION 2005-099

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>
Scott DePace 11 Mountainside Dr. Chatham, NJ 07928	7200012980	\$17.75

RESOLUTION 2005-100

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR
CHILDREN'S SPECIALIZED HOSPITAL FOUNDATION**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by Children's Specialized Hospital Foundation on October 3, 2005, at Fairmount Country Club, Chatham Township, are hereby approved.

RESOLUTION 2005-101

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR
ST. HUBERT'S ANIMAL WELFARE CENTER**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by St. Hubert's Animal Welfare Center on December 12, 2005, at Giralda Farms, Chatham Township, are hereby approved.

RESOLUTION 2005-102

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2005
BUDGET.**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$3,977.06 from the State of New Jersey Drunk Driving Enforcement Fund and wishes to amend its 2005 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$3,977.06 which is available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General Revenue – Public and Private Revenues Offset with Appropriations:
Drunk Driving Enforcement Fund, and

BE IT FURTHER RESOLVED, that a like sum of \$3,977.06 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Drunk Driving Enforcement Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2005-103

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2005 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$10,079.44 from the State of New Jersey Clean Communities Program and wishes to amend its 2005 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$10,079.44 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General Revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$10,079.44 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2005-104

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 April 14, 2005.

RESOLUTION 2005-105

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 April 14, 2005.

RESOLUTION 2005-107

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING AN APPLICATION TO THE STATE DEPARTMENT OF TRANSPORTATION FOR ROADWAY IMPROVEMENTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Clerk and Township Administrator be, hereby, authorized and directed to file applications (copy attached) to the State Department of Transportation (DOT) for

resurfacing of approximately 3680 feet of Woodland Road, from the border with Harding Township to the border of the Borough of Madison, and approximately 1100 feet of Bridge Avenue from River Road to a recently replaced bridge over the Passaic River and committing the Township to all the terms and conditions as contained in the grant application.

RESOLUTION 2005-108

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING REPLACEMENT OF CASH BONDS FOR 7 MEYERSVILLE ROAD (BLOCK 38, LOT 43)

WHEREAS, the Planning Board of the Township of Chatham, by resolution dated May 5, 2003, required that performance guarantees for completion of improvements in connection with subdivision of premises located at 7 Meyersville Road, Block 38, Lot 43, be posted in amounts totaling \$14,738.00; and

WHEREAS, the owner, K. Craig Rieck, posted the described performance guarantees; and

WHEREAS, Mr. Rieck has conveyed title to the premises to Heritage Manor Homes, L.L.C. (Heritage), which is constructing the improvements and the dwellings on the subdivision; and

WHEREAS, Mr. Rieck has requested refund of the performance guarantees posted, provided they are replaced by Heritage, and Heritage has agreed to do so;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guarantees posted with the Township by K. Craig Rieck in the amount of \$14,738.00, plus any interest accrued thereon in accordance with State law and subject to any claim by the Township thereunder, be released to Mr. Rieck solely upon the deposit of replacement performance guarantees by Heritage Manor Homes, L.L.C. with the Township.

RESOLUTION 2005-109

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2005 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$150.00 from the Garden Club of Somerset Hills and wishes to amend its 2005 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$150.00 which is available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General Revenue – Public and Private Revenues Offset with Appropriations:

Garden Club of Somerset Hills Community Grant Program, and

BE IT FURTHER RESOLVED, that a like sum of \$150.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Garden Club of Somerset Hills Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2005- 110

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2005 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$5,000.00 from the State of New Jersey Child Passenger Safety Education Program and wishes to amend its 2005 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$5,000.00 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General Revenue – Public and Private Revenues Offset with Appropriations:

Child Passenger Safety Education Program, and

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Child Passenger Safety Education Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2005-112

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

BE IT RESOLVED by the Township Committee of the Township of Chatham that on and off-premise raffles to be conducted by the Green Village Volunteer Fire Department on December 20, 2005, at the Green Village Fire Department, 529 Green Village Road, in Green Village, are hereby approved.

RESOLUTION 2005-114

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2005 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by

law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$4,000.00 from the State of New Jersey Click It or Ticket Enforcement Program and wishes to amend its 2005 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$4,000.00 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General Revenue – Public and Private Revenues Offset with Appropriations:

NJ Division of Highway Safety, Click it Or Ticket Enforcement Program, and

BE IT FURTHER RESOLVED, that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Click it Or Ticket Enforcement Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2005-115

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Quindiandos Unidos Por Colombia	June 11, 2005	Green Village Volunteer Fire Department 529 Green Village Road Green Village, NJ 07935

Deputy Mayor DeMeo moved to approve the Consent Agenda, Resolutions 2005-096 through 2005-105, Resolutions 2005-107 through 2005-110, and Resolutions 2005-112, 2005-114, and 2005-115. Committeeman Brower seconded the motion

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

RESOLUTION 2005-106

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SUPPORTING THE COMMUNITY DEVELOPMENT PROGRAM AND URGING CONGRESS TO RESTORE ITS FUNDING

WHEREAS, the Community Development Block Grant (CDBG) program was enacted, and signed into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and

WHEREAS, the CDBG program has as its primary objective "... the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and

WHEREAS, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and

WHEREAS, throughout its 30-year history, the CDBG program has been a partnership among the federal, state and local governments, business, and the nonprofit sector which carry out activities that improve the lives and neighborhoods of low and moderate income families; and

WHEREAS, according to the Department of Housing and Urban Development (HUD), in FY 2004 CDBG provided funds for thousands of activities, assisting over 23 million persons and households through such activities as expanding homeownership activities, improving infrastructure such as roads, water and sewer systems, libraries, community centers, adult day care and child care scholarships for children of low- and moderate-income families, homeless housing facilities, employment training, transportation services, public housing modernization and historic preservation; and

WHEREAS, the Township of Chatham has used CDBG funds in the amount of \$29,900 from 1975 to 2004; and

WHEREAS, the President's FY 2006 budget proposes to completely eliminate the CDBG program; and

WHEREAS, such action will no longer enable cities, counties and states to meet their community development, affordable housing and economic development needs;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby calls on the Congress to preserve the Community Development Block Grant (CDBG) Program within the Department of Housing and Urban Development at a funding level of no less than \$4.35 billion in formula funding in FY06.

Committeeman Hartford expressed concern relating to why this resolution was necessary. Administrator Ciccarone advised that funding would be eliminated per the President's Fiscal Year 2006 Budget proposal. The County has a very viable community development block grant program, which aids municipalities in Morris County with distressed communities. The resolution calls for the continuation of this program to help neighbors.

Deputy Mayor DeMeo moved to pass Resolution 2005-106. Committeewoman Hagner seconded the motion

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Nay; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

RESOLUTION 2005-111

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING RE SPECIALIZED FIREFIGHTING AND EMERGENCY RESPONSE EQUIPMENT

WHEREAS, the United States Department of Homeland Security (DHS/ODP) has issued a grant to the Urban Area Security Initiative (UASI), of which the County of Morris is a member, for the purchase, use and sharing of specialized firefighting and

emergency response equipment as part of an effective response to acts of terrorism, and technological and natural disasters; and

WHEREAS, the Township of Chatham desires to share in the program established by the grant with the County as part of a regional response; and

WHEREAS, as part of the goal of developing a regional response capability plan that includes acquisition of specialized fire suppression and emergency response equipment such as firefighting foam concentrate and the equipment necessary to deliver such foam, in large quantities, to extinguish flammable liquid fires of extreme magnitude, the attached Memorandum of Understanding among the New Jersey Department of Law and Public Safety, Office of the Attorney General and the Department of Community Affairs, Division of Fire Safety the Act, the County of Morris and the Township of Chatham, must be executed by the parties; and

WHEREAS, the Memorandum of Understanding will benefit and provide additional security and safety for the residents of the Township and the surrounding communities;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the attached Memorandum of Understanding is hereby approved and that the Mayor and Clerk are hereby authorized to execute same on behalf of the Township.

Committeeman Hartford asked if the Memorandum of Understanding was a public document as he has concerns and requested additional information. Administrator Ciccarone advised that this Memorandum was a public document and that the resolution permits the Chatham Township Volunteer Fire Department to house this emergency response equipment. Committeeman Hartford commended the firemen for their willingness to serve, but thinks the contract should be subject to negotiation. Committeeman Hartford added that only forty percent of the residents contribute to their own fire safety; Texas Eastern does not pay for fire protection and Committeeman Hartford expressed concern if a pipeline had a problem, it would be our firefighters risking their lives. Committeeman Hartford feels this should be a two way street and the Township should not absorb all risk and expense.

Mayor O'Connor moved to pass Resolution 2005-111. Committeeman Brower seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Abstain; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

RESOLUTION 2005-113

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING STUART KOENIG, ESQ. TO REPRESENT THE TOWNSHIP IN THE FLEET BANK TAX APPEAL, DOCKET NO. 3354-2005

WHEREAS, it is necessary and desirable to appoint special counsel to represent the interests of the Township of Chatham in the tax appeal captioned Fleet Bank #98155 v. Township of Chatham Board, Tax Court Docket No.3354-2005; and

WHEREAS, Stuart Koenig, Esq., Stickel, Koenig and Sullivan, of Cedar Grove, NJ, has agreed to represent the Township in this matter;

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

1. Stuart Koenig, Esq. of Stickel, Koenig and Sullivan is hereby appointed to represent the interests of the Township of Chatham in the tax appeal captioned Fleet Bank #98155 v. Township of Chatham, Tax Court Docket No. 3354-2005.
2. The hourly rate for Mr. Koenig's services shall not exceed \$140.00 per hour, plus expenses, to be billed in accordance with Township procedures.
3. This resolution shall take effect upon adoption.

Committeeman Hartford requested additional information on this resolution and asked if the Township was litigating a matter. Attorney Woodward advised that Stuart Koenig is an attorney

who has represented the Township in tax appeal matters dealing with Fleet Bank as Attorney Woodward's firm has a conflict of interest for they have represented Fleet Bank in the past. Attorney Woodward advised that he usually represents the Township in tax appeal litigation, however, cannot do so due to the conflict of interest, and recommends the appointment of Stuart Koenig, Esq.

Mayor O'Connor moved to pass Resolution 2005-113. Committeewoman Hagner seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

Discussion

1. Stormwater on Glenmere Drive: John Farmakis, Glenmere Drive resident, thanked Administrator Ciccarone, Joseph Smith and the entire Department of Public Works, the Chatham Township Police Department, and Chatham Township Fire Department for their support. Mr. Farmakis stated that he submitted documentation to Administrator Ciccarone for the Township Committee over the last three or four-year period. Mr. Farmakis stated that when there is heavy rain in a condensed period of time, the water flows from Fairmount Avenue to the Runnymede section; there is a depressed section on Runnymede with drainage basins, but the capacity of the drains on Runnymede are not big enough to catch the water and the water then flows into the Glenmere Drive area and into his back yard. Mr. Farmakis presented a video dated September 18, 2004. Mr. Farmakis said he incurred over \$40,000 in damages in 1999 and that he cannot get proper insurance because he is not in a flood zone. Mr. Farmakis requested that the Township Committee address and correct the situation and to make financial restitution. Mayor O'Connor stated that the Committee would discuss this and get back to him.
2. Resolution 2005-090 Authorizing a Non-Binding Referendum to Increase Open Space Tax:

RESOLUTION 2005-090

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A NON-BINDING REFERENDUM TO INCREASE THE TOWNSHIP'S OPEN SPACE TAX FROM 1 CENT TO 2 CENTS PER \$100 ASSESSED VALUE

WHEREAS, N.J.S.A. 19:37-1, et seq., authorizes the Township Committee to submit a non-binding referendum to the voters in order to ascertain the sentiment of the voters upon any question or policy pertaining to the government of the Township of Chatham.

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

1. Pursuant to the aforesaid statute the Township Committee hereby determines to submit the following question to a non-binding vote at the next general election on November 8, 2005:

“Shall the Township Committee of Chatham Township amend an ordinance establishing an “Open Space Trust Fund” which shall have the following provisions:

A. The “Open Space Trust Fund” shall be funded through the collection of local property taxes in the amount of \$.02 per hundred dollars of assessed value. The average annual cost, based on the average assessed property valuation of \$683,000, would be \$137 per year.

B. Said funds shall be designated for the purchase of property or easements within the Township of Chatham for active and passive recreation and the development and maintenance of those properties to be used for passive and active recreation.

C. Any property or easement purchased by the “Open Space Trust Fund” shall not be sold or conveyed unless and until authorized by binding Public Referendum.”

EXPLANATORY STATEMENT

The Open Space Trust Fund is used to acquire land, easements and/or development rights to preserve undeveloped areas in Chatham Township. A plan was prepared to identify lands for permanent open space, additions to existing parks, connections between parks and schools and preservation of stream corridors and other environmentally sensitive areas.

The Morris County Clerk is hereby requested to print the above questions and statement on the official ballots for the general election to be held on November 8, 2005.

Mayor O'Connor stated that this resolution has been discussed at previous meetings and Attorney Woodward was asked to make revisions. Committeeman Brower emphasized that he supports the concept, however, believes that this referendum should be in three parts, each to be voted on by itself or would like to see the referendum revamped. Committeewoman Hagner agreed with Committeeman Brower. Mayor O'Connor stated that this is an all-encompassing resolution and covers all the bases. Deputy Mayor DeMeo questioned if section "B" referred to properties obtained specifically through Open Space revenues or any properties used for recreation. Attorney Woodward stated that the way it is worded at this time is for properties acquired under the Open Space Trust Fund, but that it could be revised. Committeeman Brower emphasized that the people should determine what they want and not have to choose a package of options under one vote. In regard to Committeeman Brower's recommendation to allow A, B, and C to stand on their own, Attorney Woodward stated that it would be difficult for voters to understand what they were voting on as A, B, and C are interrelated. Administrator Ciccarone reminded the Committee that the only purpose for an increase would be to generate funds for maintenance or improvements as there is little open space left to purchase. Attorney Woodward suggested one section could be reworded to read, "*Said funds shall be designated for the purchase of property or easements within the Township of Chatham for active and passive recreation and the development and maintenance of any municipally owned properties to be used for passive and active recreation.*" Committeeman Hartford asked how the debt load affects the bond rating. Administrator Ciccarone advised this in no way affects the bond rating. Under the present tax, which will generate \$260,000 to \$270,000 per year, projections are that the amount of revenue received annually would be able to support \$3.5 million in debt. Prior to any taxes going to support this, the Township has the capacity to borrow another \$1 million, which could be supported by the current level of funding. Therefore, if the funding were to be doubled, the Township's ability to carry debt would double to approximately \$7 million. Administrator Ciccarone advised if the Committee restricts the use of funds to just acquisition, more money would be generated than what is needed. Following a lengthy discussion, the Committee voted on the resolution as presented.

Mayor O'Connor moved to pass Resolution 2005-090. Deputy Mayor DeMeo seconded the motion.

Roll Call: Committeewoman Hagner, Abstain; Committeeman Brower, Nay; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Aye; Mayor O'Connor, Aye.

3. Proposed Ordinance Request from the Construction Official: Due to an increase in the number of inspections, the Construction Official has requested an increase for on-call inspectors' daily fees, and an increase in construction fees. Committeeman Hartford requested the fee schedule. Attorney Woodward advised that the fees are based on the value of construction and Administrator Ciccarone stated that the fees are outlined in the hardcover Code Book. Attorney Woodward responded to the Township Committee's questions and stated that the fees could be adjusted according to the nature of the work being done. The Township Committee asked Attorney to draft an ordinance.
4. Request to Amend §30-17.8: The Township Committee discussed changing this section to include an additional method of payment to allow an attorney's check and raising the amount to \$500.00. If fees are not paid, approvals are not given. Attorney Woodward will draft an ordinance.
5. Towing Ordinance: Chief Goeckel has requested an ordinance to set the requirements and fee schedule for towing. Chief Goeckel responded to the Township Committee's questions and Attorney Woodward was asked to draft an ordinance.
6. Four Ton Weight Limit on Treadwell Avenue: Joseph Smith, Manager of the Department of Public Works, recommended this ordinance as trucks use Treadwell Avenue as a cut-through.

Treadwell Avenue was paved last year and the trucks are causing unnecessary wear and tear. Attorney Woodward will draft an ordinance.

7. Colony Pool Membership Fees: Committeeman Hartford stated that the Advisory Committee would like the fees waived for new registration at the open house to encourage membership. Administrator Ciccarone expressed concern that people will hold their registrations until that time. Committeeman Brower recommended offering free or discounted guest passes. Committeewoman Hagner stated that the Colony Pool Advisory Committee should discuss their options and prepare a proposal for the Township Committee's review. Committeeman Hartford will be meeting with the Colony Pool Advisory Committee later this month and will provide feedback from that meeting to the Township Committee on May 26, 2005.

Hearing of Citizens

Mayor O'Connor opened the hearing of citizens.

1. Joseph Kelly, Mountain Avenue resident, stated that the open space tax was discussed previously and he was under the impression it was not going to be raised. Mayor O'Connor stated that the Township Committee has been discussing the referendum at length and believe the increase should be left up to the voters in November 2005. Relative to maintenance of open space properties, Mr. Kelly stated that maintenance and improvements should be in the regular municipal budget.
2. Peter Hofmann, May Drive resident, commented on the Master Plan update and referred to updating the sewer plant. Mr. Hoffman requested that the Township Committee consider implementing sewers in the Green Village area. Committeemen Brower and Hartford stated that the Green Village sewer district was being considered by the Planning Board.

Mayor O'Connor closed the hearing of citizens.

Executive Session

RESOLUTION 2005-P-05

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

Potential Litigation
Contract Negotiations
Personnel

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.

Mayor O'Connor moved to pass Resolution 2005-P-05 at 11:16 p.m. Committeeman Hartford seconded the motion.

Roll Call: Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Deputy Mayor DeMeo, Nay; Mayor O'Connor, Aye.

The Committee returned from Executive Session at 11:30 p.m.

Mayor O'Connor moved to adjourn the meeting. Deputy Mayor DeMeo seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk