

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
MAY 22, 2003**

Mayor DeMeo called the regular meeting of the Township Committee of the Township of Chatham to order at 7:33 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 3, 2003; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 3, 2003; and notice was filed with the Township Clerk on January 3, 2003.

Mayor DeMeo led the flag salute.

Answering present to the roll call were Committeewoman Fair, Deputy Mayor Hoag and Mayor DeMeo. Committeeman Brower arrived at 8:35 p.m. Committeeman O'Connor was absent.

Approval of Agenda

Deputy Mayor Hoag moved to approve the agenda. Committeewoman Fair seconded the motion and it carried unanimously.

Special Recognition/Awards:

Mayor DeMeo advised that he would be attending the Eagle Scouts Court of Honor on June 2, 2003 and he would recognize three Boy Scouts for their achievements.

Reports

Deputy Mayor Hoag announced the Memorial Day Ceremony would be held at Southern Boulevard School on May 26, 2003 at 9:00 a.m. Bill Killea will be making a short presentation at the ceremony.

Committeewoman Fair advised the engineering report for Woodland Park is expected to be in early June and that they hope to hold a joint meeting for the public during the third or fourth week of June.

Mayor DeMeo provided an update on the Mt. Vernon Ave. Bridge. Mayor DeMeo advised that the County is expecting to complete its review of the traffic study in about two weeks and that the Township would receive a copy of the report. Mayor DeMeo also advised that the County has not yet received the results of the additional structural evaluations of the existing bridge and development of options for repair and/or replacement of the bridge. The Mayor also said the County is very interested in keeping the Township involved with the County process of addressing the concerns expressed at the public meetings.

Committeeman Brower requested that his letter dated May 15, 2003 be a part of the minutes. Mayor DeMeo agreed the minutes would reflect receipt of the letter addressed to Tom Ciccarone about the Skate Park.

Hearing of Citizens/ Petitions

Mayor DeMeo opened the hearing of citizens.

1. Peter Hofmann, 82 May Drive, asked that Resolution 2003-114 and Resolution 2003-115 be explained before they are approved.
2. Dan Miller, 465 Green Village Road, said that the Township Administrator Tom Ciccarone would not release the name of the individual who had complained about his property and that the Administrator would not take his calls when he subsequently tried to speak with him about this issue. Mr. Miller was also concerned about three properties on Green Village Road that are not being maintained. Mr. Miller also said he has attempted three times to make an appointment with the Tax Assessor and those calls

have not been returned. The Mayor said he would look into these issues. The Committee thought Oak Knoll may own these three properties and they are presently before the Planning Board. Discussion followed about the Township's policy of not disclosing the names of people who complain. Attorney Woodward advised that although there is no law, for as many years as he has been involved with the town, the Township has had a policy of not releasing the identity of the caller. Attorney Woodward said when a complaint is received, the Zoning Officer or Construction Official is charged to investigate. Attorney Woodward further explained that an investigation is based on the information that is developed by the law enforcement individual rather than the person who called in.

Since there were no further comments from the public, Mayor DeMeo closed the hearing of citizens.

Consent Agenda

Before voting on the Consent Agenda, the Committee pulled Resolution 2003-113, Resolution 2003-114, Resolution 2003-115 and Resolution 2003-117.

RESOLUTION 2003-112

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 April 2003, be acknowledged as received.

RESOLUTION 2003-116

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following property; and
WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
64.01	10.04	GMAC Mortgage Corporation Loan # 654420495 – Tax Refunds 3451 Hammond Ave., Waterloo, IA 50704 Property : 10 D Heritage Drive, Chatham, NJ	\$ 729.67
64.05	13.04	Diane Sirna-Miller 20 D Heritage Drive, Chatham, NJ 07928	\$ 897.58

Deputy Mayor Hoag moved to pass the Consent Agenda as amended, Resolution 2003-112 and Resolution 2003-116. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

RESOLUTION 2003-113

**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 construction of an extension to the Meyersville Road sidewalks and committing the Township to all the terms and conditions as contained in the grant application.

BE IT FURTHER RESOLVED that the Administrator shall submit the applications in the appropriate program category with the following priority ranking: (1) Meyersville Road Sidewalk Project.

Committeeman Brower said the sidewalks along Meyersville Road should be macadam and not concrete, since concrete sidewalks would require major work on some of those properties. Committeeman Brower also thought that concrete sidewalks would provide a rather urban appearance in this area. Engineer Bennett advised the sidewalk application from Candace Lane to Fairmount Avenue includes a cost estimate for the construction of 4-foot wide concrete sidewalks and said that the material used could be reviewed again later, but it would need to conform to the American Disabilities Act requirements. Mayor DeMeo advised safety issues for the children had been raised last year and that is why the crosswalk had been put in and a request for sidewalks had been made. Committeewoman Fair added that Public Works Department is concerned that macadam sidewalks need more maintenance over time than concrete sidewalks.

Committeewoman Fair moved to pass Resolution 2003-113. Deputy Mayor Hoag seconded the motion.

Roll call: Committeeman Brower, Nay; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

RESOLUTION 2003-114

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE
2003 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 \$136,796.85 from private donations for the construction of a skate park and wishes to amend its 2003 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 2003 in the sum of \$136,796.85 which is now available as a revenue from:

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

Donations for Construction of Skate Park, and

BE IT FURTHER RESOLVED, that a like sum of \$136,796.85 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Construction of Skate Park.

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

Mayor DeMeo read Resolution 2003-114 explaining that the Skate Park funds as revenues are being inserted into the budget so money can now be spent for the Skate Park. Mr. Hofmann thought it was important that the monies, the public contributed, be used for the equipment. Committeeman Brower commented that \$23-25,000 that was raised has already been used to offset the construction of the Skate Park.

Deputy Mayor Hoag moved to pass Resolution 2003-114. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

RESOLUTION 2003-115

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2003 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 \$20,000 from the Hyde Watson Foundation for the purchase of equipment for the Geographic Information System (GIS) and to purchase equipment to upgrade the sound system at the Municipal Building in order to comply with Americans with Disabilities Act (ADA) and wishes to amend its 2003 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 2003 in the sum of \$20,000 which is now available as a revenue from:

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

Hyde and Watson Foundation Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$20,000 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Hyde and Watson Foundation Grant.

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

Deputy Mayor Hoag advised the Township received a \$20,000 grant from Hyde and Watson Foundation for GIS software and computer equipment for town hall and for the hearing impaired system. Mayor DeMeo said that this resolution allows the donation to be moved into an account.

Deputy Mayor Hoag moved to pass Resolution 2003-115. Committeewoman Fair seconded the motion.

Roll call: Committeeman Brower, Aye; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

RESOLUTION 2003-117

A RESOLUTION OF THE TOWNSHIP COMMITTEE, TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AWARDING A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES.

WHEREAS, the Township of Chatham is in need of the services of a professional engineering firm to perform services in connection with the development of Woodland Park, and

WHEREAS, the development of Woodland Park is a joint project to be undertaken with the Borough of Chatham, and

WHEREAS, the Woodland Park Development Committee has recommended that a contract be awarded to Hatch, Mott, MacDonald to perform services in accordance with the revised proposal received and dated December 13, 2002, a copy of which is on file in the Office of the Municipal Clerk, and

WHEREAS, the total cost is not to exceed \$153,000 with the cost being split evenly between the Chathams, leaving the Township's share not to exceed \$76,500, and

WHEREAS, the Chief Financial Officer has certified that funds are available for the award of this contract which certification is annexed hereto,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Hatch, Mott, MacDonald for a sum not to exceed \$76,500, in accordance with the proposal submitted and on file in the Office of the Township Clerk.

Mayor DeMeo read Resolution 2003-117. Deputy Mayor Hoag advised that only Hatch Mott MacDonald's proposal was complete and the quality of the product was significantly better than the other firm that responded. Committeeman Brower said he has made private studies of monies paid to engineering firms and said he has cautioned the Borough that there may be unexpected costs. Committeewoman Fair advised Hatch Mott MacDonald has done a considerable amount of work without payment to date and that this resolution will allow us to move forward. Peter Birnbaum from Chatham Borough was present and said he understood the need to control engineering costs and was pleased that this contract had a limited ceiling on it. Mr. Birnbaum said he had discussed the process with Committeeman O'Connor and explained that the first phase of the job will be to identify exactly what the land can support. Mr. Birnbaum also advised he has received extensive input from all the interested parties. Committeeman Brower stated that any recreational facility built in our communities should have sanitary facilities for the children. Mayor DeMeo said the Township needs to go forward in order to start the engineering process. Mr. Birnbaum said he has been working with all the designated representatives of the Township and that a public meeting will be held as soon as we know what the land can support.

Committeewoman Fair moved to pass Resolution 2003-117. Committeewoman Hoag seconded the motion.

Roll call: Committeeman Brower, Nay; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

Before moving to the next item on the agenda, Committeeman Brower questioned the corrections to the minutes. The Committee advised that any questions about the minutes should be addressed in writing to Mrs. Wiley ahead of time.

Discussion: possible ordinance or resolution

1. Tree Ordinance- Deputy Mayor Hoag asked about whether a Tree Ordinance is being worked and reviewed with the Tree Protection Committee and asked Attorney Woodward for the status of this issue. Attorney Woodward advised he has met with the Tree Protection Committee and will return to it as soon as the trial is over. Attorney Woodward said he intends to plan a draft that will be presented to the Tree Committee first for comments. Then it will be proposed to the Township Committee as a discussion item.
2. Skate Park- Change Order- Engineer Bennett advised that the Committee has received a recommendation for an approval of a change order for the Skate Park project due to nature of the soils that were revealed. After meeting with the design engineer and Tom

Ciccarone, and discussion with the contractor, Engineer Bennett advised there is a more efficient way to meet the design goals and not disturb the subsoil there. Engineer Bennett referred to Hatch Mott MacDonald's letter dated May 22, 2003. The engineering design firm has recommended stripping the topsoil and rolling the material with rubber tire vehicles and using a geosynthetic fabric to stabilize the subsoils. Other changes would be move the Skate Park surface further towards Hickory Tree and to make the Skate Park 108 feet by 100 feet rather than 100 feet by 100 feet. Engineer Bennett advised the contractor submitted the following additional change order items: 1) an additional underdrain due to the wet conditions 2) soil stabilization fabric 3) additional skating surface 4) extending the walkway. The total change order is \$20,770. However, Engineer Bennett further explained that in order to preserve the unit prices that were bid, fewer yards of excavation, disposal of unsuitable material, and embankment would be needed. Therefore Engineer Bennett said that he estimated the increase in the total contract amount would be \$4,990. Engineer Bennett also noted that by moving the Skate Park further to the west, there would be more room for additional parking in the future. The Committee asked several questions to which Engineer Bennett responded. Engineer Bennett explained that due to the wet conditions if they excavated the material as originally planned, the material would not have been able to be reused. Therefore the cost of disposal of unsuitable material would have higher and the cost would have gone up due the wet material due to the weather. Engineer Bennett said the solution is not to dig up the material, but to roll it carefully and stabilize the soft material underneath by laying a geotextile fabric that would be topped with select fill material made of a sandy loam or sandy gravel material. Engineer Bennett explained that drains would also be placed to prevent heaving and that the Skate Park is graded so it slopes towards the cell tower. Engineer Bennett further advised that the geotextile fabric helps to prevent the formation of void spaces and that it spreads the load more evenly, bridging soft spots. Engineer Bennett said the geotextile fabric is used in many different applications and it recommended by the design engineer. Engineer Bennett said the surface is suitable for Skate Park equipment, but suggested that traffic be restricted on it. With regard to frost heave, Engineer Bennett explained that several features were designed into this to help take water away. Discussion followed about whether the ground under the geotextile fabric is a dry, stable ground not affected by wet conditions. Engineer Bennett said the material would dry somewhat prior to completing the project and said the ground is down due to perched water as a result of being wet. Committeeman Brower disagreed that it was not a wet condition on top creating this problem, but the site condition is causing the problem. Engineer Bennett said the fabric is designed for the condition of wet subsoils. Committeeman Brower questioned the estimates of the amounts of disposal of unsuitable material. Engineer Bennett advised this item was a placeholder for a unit price contract in case there should be more unsuitable material in between the test pits than was shown. Committeeman Brower stressed that a smooth surface is critical and was concerned about maintenance as well. Committeeman Brower thought the Skate Park should be built in an area where it is suitable to be built and built well, and that the problems with the Skate Park have grown, since it is now being moved, enlarged and changed the specifications. Committeeman Brower thought the Skate Park is in the worst place it could be and that it belongs on Shunpike Road. With questions raised about the engineers estimate, Engineer Bennett clarified that the engineer's estimate for the project was \$137,650 and the low responsive bidder was \$123,000. The goal was to have the project at \$100,000. Engineer Bennett said that it is common to have engineering changes due to changed field conditions. Deputy Mayor Hoag commented that almost a year was spent looking at over 13 sites including Shunpike Field and could not find a spot due to wetlands, Green Acres, ownership of property, streams, or the desire to keep recreational facilities already at those sites. Engineer Bennett read the last paragraph on page 4 of Marshall Frost's letter dated May 13, 2003. In response to questions raised about whether it would be beneficial to delay the construction until there are dryer conditions, Engineer Bennett said he did not know what the weather would be and to demobilize and mobilize the contractor would be very costly to the town.

RESOLUTION 2003-118

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, APPROVING CHANGE ORDER #1 FOR THE CONSTRUCTION OF THE SKATE PARK

WHEREAS, Hatch Mott MacDonald has recommended a Change Order to the contract previously awarded to Hillcrest Paving and Excavating of Maplewood, NJ;

WHEREAS, "Certification of Availability of Funds" is annexed hereto:

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris that Change Order #1 as indicated in the May 22, 2003 letter from Hatch Mott MacDonald providing a net increase to the total contract cost of \$4,990.00 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute such documents as necessary to implement this change.

Committeewoman Fair moved to pass Resolution 2003-118. Deputy Mayor Hoag seconded the motion.

Roll call: Committeeman Brower, Nay; Committeewoman Fair, Aye; Committeeman O'Connor, Absent; Deputy Mayor Hoag, Aye; Mayor DeMeo, Aye.

3. Identifying items for the Work Agenda Meeting- The Mayor said a suggestion was made to add a brief statement explaining what the topic is about to clarify to the public the specific issues to be covered. The Mayor suggested the Committee forward a sentence about the topic to the Administrator or himself about the agenda items. The Committee discussed what items should be included on the next agenda and requested the following:
 - 1) Cell Tower Ordinance and amending it.
 - 2) Update of sewer consent order
 - 3) Escrow Accounts
 - 4) Minutes
 - 5) Southern Boulevard Sidewalk update
 - 6) Mt. Vernon Ave. Bridge if anything has been received from the County.
 - 7) Cable TV update

Hearing of Citizens

Mayor DeMeo opened the hearing of citizens.

1. Peter Hofmann, 82 May Drive, advised that during the period from 1995 to 1997, a grant was received for sidewalks and when the neighbors objected to the curbing on Noe Avenue, he thought a change was permitted from the original specifications. Mr. Hofmann suggested that the Township should look into macadam sidewalks on Meyersville Road.

Since there were no further comments, Mayor DeMeo closed the hearing of citizens.

Since there were no items for Executive Session, Resolution 2003-P-10 was not passed.

Deputy Mayor Hoag moved to adjourn at 9:16 p.m. Committeewoman Fair seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk