

**TOWNSHIP OF CHATHAM  
COMMITTEE MEETING MINUTES  
MAY 26, 2005**

Mayor O'Connor 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 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 and Mayor O'Connor. Deputy Mayor DeMeo was absent.

**Approval of Agenda**

Ordinance 2005-012 was pulled and will be introduced on June 9, 2005. The Resolution-Refunding Tax Lien was pulled from the Consent Agenda. A discussion item about a Bike Path through the utility easements was added. Mayor O'Connor moved to approve the agenda as amended. Committeeman Brower seconded the motion and it carried unanimously.

**Special Recognitions/Awards:**

Mayor O'Connor read the attached Proclamation that proclaims the month of June 2005 as Myasthenia Gravis Awareness Month.

**Reports**

Committeewoman Hagner provided the following reports:

- Attended a meeting with SEAMLSS, a group of elected officials from various towns, who meet regularly and met this month to discuss the Cross-Acceptance Report, submitted by the Planning Board at the end of last year. Committeewoman Hagner requested Committeeman Brower attend next month's meeting as they will be discussing Deer Management.
- Attended the Ten Towns meeting this month and advised that a celebration is scheduled for June 24, 2005 from 5:00 p.m. to 8:00 p.m. in the Great Swamp.

Committeeman Brower provided the following reports:

- Reported that the Police Department liaison for deer hunting reported that the County is supportive of Resolution 2005-067 pertaining to deer management. Mayor O'Connor stated that there was an article about Hanover Township offering suggestions on deer management. Committeeman Brower stated that they are trying to convince residents not to feed the deer, addressed the destruction of property, and stated concerns with Lyme disease.
- Relative to the Planning Board, Committeeman Brower stated that Engineer Ruschke is making certain that applications are complete and is guiding homeowners through the many steps. Committeeman Brower stated that this makes the process easier for the applicant. Relative to a specific application, the Shop Rite shopping center has received approvals to redo the parking area to improve the flow of traffic, will provide better lighting and will enhance the landscaping. This topic is on the agenda, listed under Discussion items.

Committeeman Hartford provided the following report:

- Colony Pool Advisory Committee met and stated the brochure is available and that opening day is Saturday, May 28, 2005. An Open House will be held on June 11 and 12, 2005. There is no residency requirement.

Attorney Woodward provided the following report:

- Received the extension on the Second Round Substantive Approval from COAH. The required changes are minimal and include either implementing procedures for obtaining the fees or repealing development fees by Ordinance within 60 days. This topic is also on the agenda as a Discussion item.

Mayor O'Connor provided the following reports in Engineer Ruschke's absence:

- Construction on the Southern Boulevard sidewalk should start Tuesday, May 31, 2005. The County and local police have been notified.
- There have been no bids yet for the Mt. Vernon Avenue Bridge job.
- A response is still pending from the DEP relative to the Woodland Road project.

### **Hearing of Citizens**

Mayor O'Connor opened the hearing of citizens.

1. Peter Hofmann, May Drive resident, asked how much money has been authorized and spent on the Woodland Park project and asked about the agreement as it related to school space. Administrator Ciccarone stated that there was \$1 million approved in a bond ordinance in 2003, not including the purchase price, various surveys, etc. A contract of approximately \$150,000 was awarded to Hatch Mott McDonald to prepare the design and submit applications to the DEP and was split between the Borough and the Township. Legal fees have yet to be submitted. Mr. Hofmann questioned the engineering contract and related documents and Administrator Ciccarone stated that copies of documents are available to the public. Mr. Hofmann repeated his concerns expressed throughout this process, and emphasized that no more money should be spent on this project.
2. Michael Dean, Chatham Borough resident, questioned if the Woodland Park interlocal agreement has been distributed and Administrator Ciccarone stated that it was distributed to the attorneys and will be sent to the governing bodies after attorney review. Mr. Dean claimed that the Borough stated they had not seen the document; Attorney Woodward advised that he had incorporated the Borough Attorney's changes in the document prior to forwarding it to the attorney for the Board of Education. Mr. Dean stated that the Board of Education has stated that the wording of the interlocal agreement should read that if the land they are contributing is needed back, it will be returned to them and believes this project should be reconsidered. It was explained to Mr. Dean by Mayor O'Connor and Administrator Ciccarone that upon the draft interlocal agreement's completion by all attorneys, it will then be presented to the governing bodies who will act in the best interest of their respective towns. Mr. Dean asked about the report relative to the house on the Woodland property being historic and Administrator Ciccarone advised that the report is also available to the public.
3. Carla Blanca, Madison resident, circulated a flyer that informed the public of a meeting being held at the Chatham Library relative to the Woodland Park issues. Ms. Blanca asked a number of questions, including why the Tree Committee and Environmental Commission will not speak to the group called Concerned Citizens of Woodland Park. Mayor O'Connor stated that everyone is being very cautious about this project and postponing making statements until all the facts are in. Administrator Ciccarone explained financial responsibility and field studies, and stated that upon DEP approval, plans would then be submitted to the Planning Board. Committeeman Brower added that he voted for Woodland Park, however, has reservations about building fields on school board property, thought the house could be used and is now finding out it is in disrepair, and believes this project is getting more costly.
4. Abbie Fair, Green Village Road resident, stated that SEAMLSS is a group of elected officials from neighboring towns and stands for South East Morris League For Strategic Solutions. Mrs. Fair commented on the shopping center sign where the Shop Rite is located, stating that it was interior lighted, which is against the ordinance. Relative to trying to make the Planning Board/Board of Adjustment process easier for the residents, Mrs. Fair suggested having an annual meeting with the construction office/land use to work out any problems they might be experiencing. While on the Planning Board, there was a study on the "mega house" problem, i.e., homes being built over-sized, and an idea was suggested for variable side-yard setbacks. Mrs. Fair commented on the Open Space Tax Referendum as it relates to purchasing, developing and maintaining open space for active and passive recreation and the explanatory statement does not state anything about development or maintenance. Mrs. Fair suggested amending the resolution so as not to include development of these properties, and "monitoring" is a better word choice than "maintenance." Committeewoman Hagner added that the Township already has an ordinance to monitor the open space properties, however, Administrator Ciccarone stated that the ordinance does not provide for any funds. Committeeman Brower stated that he is in favor of maintaining the current levy, but opposed to doubling the income derived from the open space tax without public input and supports the democratic process of placing it as a referendum on the ballot. Committeeman Brower added that he is opposed to taking

properties out the land banks and making them unusable for the town. Mrs. Fair stated that open space is to protect natural resources and serves the whole town, and does not require a commitment for maintenance from Public Works.

5. Peter Hofmann, May Drive resident, summarized a letter dated October 14, 2002 that referred to a seven acre parcel of School Board property and asked who on the Township Committee authorized Hatch Mott McDonald to discuss the availability of this parcel with the Borough. Administrator Ciccarone provided a wealth of information on the purchase of the property, the creation of a subcommittee, the solicitation of proposals for engineering services, etc.

Mayor O'Connor closed the hearing of citizens.

#### **Municipal Hearing: Appeal by Arthur & Lori Paradise for Professional Charges**

Mr. and Mrs. Paradise were present and explained that they applied for a variance and opened an escrow account in the amount of \$600.00. At the end of the variance process, they received a \$911.25 bill for services rendered by the Board of Adjustment attorney. Mrs. Paradise stated that she had never been told what professional charges or hourly rates would be incurred and believed that the Township's request for \$600.00 reflected an accurate sum of how much it would cost a resident to go through the variance application process. At no time were the Paradises told that additional monies beyond the original escrow deposit would be needed. Mrs. Paradise questioned how the amount of time spent could be justified by the dollar amount charged. Mrs. Paradise further stated that more information should be given to the applicant, such as hourly rates, or, in the alternative, the Township should require more than an initial deposit of \$600.00. Relative to the monies spent, Mrs. Paradise stated that the variance was required for a six-foot by three-foot portico in front of the home, emphasizing that this was not a major request. Most of the charges were for minimal amounts of time spent by professionals, charges for two-tenths to seven-tenths of an hour, and Mrs. Paradise does not understand how at the end of the process she is in receipt of a bill for seven hours to complete the Resolution. Mayor O'Connor asked Attorney Woodward for comment and he replied that the Board of Adjustment Chair stated that everyone is charged the same way and added that the Resolution, while lengthy, must be written to support facts by the Board. Administrator Ciccarone stated that office staff does not have any way of knowing if the application is simple or complicated; the \$600.00 fee is set by ordinance, which the Township Committee can review and raise if so determined. The application package does include information relative to the applicant being notified when the deposit falls under twenty percent; however, the Paradises incurred the attorney charges at the end of the process. Administrator Ciccarone thanked Mrs. Paradise for her suggestion to include professional hourly fees in the application package. Committeeman Hartford asked a number of questions about the process, setbacks, and zoning. Committeewoman Hagner recused herself from commenting due to a similar personal situation. Committeeman Brower commented that there should be a limit on cost of improvements and feels there should be some warning that more money is needed in escrow accounts before they are depleted. Committeeman Brower stated that he appreciates that the Paradises have brought this to the Township Committee's attention and believes that applicants should be notified when applying that their escrow funds might need to be supplemented. Mayor O'Connor asked Attorney Woodward to sum up the points and options for the Township Committee. Attorney Woodward advised the following: (a) the money has been paid and therefore a request is before the Committee for a refund on a portion of the fees paid on Mr. Wilson's bill; (b) the Township Committee can determine if Mr. Wilson's bill is acceptable or decide there is a basis for refunding a certain amount paid; (c) determine if the bill is fair and reasonable given the nature of the facts and, if not, what is a fair amount. Attorney Woodward further advised that under the Municipal Land Use Law, the County Board of Construction Appeals can disallow a charge by a consultant or professional who is not an employee of the municipality, and the professional or consultant is required to reimburse the municipality in the amount of the disallowed charge. After a lengthy discussion, the Township Committee sympathized with the Paradises, however, deemed Mr. Wilson's bill acceptable. The Township Committee thanked the Paradises for their suggestions and committed themselves to making the application process more user-friendly.

#### **RESOLUTION 2005-121**

#### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY DENYING THE APPEAL OF ARTHUR AND LORI PARADISE FOR PROFESSIONAL CHARGES**

**WHEREAS**, Arthur and Lori Paradise, owners of premises at River Road in the Township of Chatham, have applied to and been granted by the Board of Adjustment certain variances for renovations to their home; and

**WHEREAS**, they have contested, in accordance with the procedures set forth in Chapter 30 of the Township Code, the imposition of certain expenses incurred by professionals in reviewing their application; and

**WHEREAS**, a hearing was held before the Township Committee at a public meeting held on May 26, 2005, at which they presented their arguments and evidence; and

**WHEREAS**, the Township Committee upon review of the relevant evidence, consideration of the time put in by the professionals, reviewing the number and extent of variances that had to be granted to provide relief to Mr. and Mrs. Paradise, and concluding that the level of effort and charges were reasonable under the circumstances;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the foregoing reasons, the effort and charges of the professionals were reasonable and not excessive and therefore the appeal of Arthur and Lori Paradise be and the same is hereby denied.

Mayor O'Connor moved to pass Resolution 2005-121, Denial of Appeal. Committeeman Brower seconded the motion.

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

#### **Public Hearing/Final Adoption 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 advised that this Ordinance appropriates \$42,000 for consultant services to reexamine the Master Plan, which has received the support of the Planning Board. This appropriation will be spread out over the next five budgets.

Mayor O'Connor opened the hearing on Ordinance 2005-009 to the public. Since there were no comments, Mayor O'Connor closed the public hearing.

Mayor O'Connor moved to adopt Ordinance 2005-009. Committeeman Brower seconded the motion.

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

**Introduction of Ordinances:**

**ORDINANCE 2005-010**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MODIFYING WEIGHT LIMITS ON TREADWELL AVENUE 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 7-17, Trucks Over Designated Weight Excluded From Certain Streets, to lower truck weight limits on certain streets within the Township as follows:

1. Section 7-17 is hereby modified to add the weight limits on the following street:

<b><u>Name of Street</u></b>	<b><u>Weight</u></b>	<b><u>Location</u></b>
Treadwell Avenue	4 tons	Entire length.

2. All other provisions of Section 7-17 shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Mayor O'Connor stated this Ordinance would set weight limits on Treadwell Avenue. Committeeman Brower asked if this applied to moving vans; Administrator Ciccarone stated that anyone needing such services would not be denied. Administrator Ciccarone advised that this ordinance would apply to the truck traffic. Committeeman Hartford asked what requirements a road would need to meet in order to be eligible for such an ordinance. Administrator Ciccarone stated that this is a narrow road that was recently paved and the Department of Public Works has made this request in hope that the recent maintenance will last. Standards for other streets would require looking at the construction, reviewing its ability to accommodate heavy loads, and looking at what kind of traffic it could handle. An alternative to creating an ordinance would be to set truck routes. Chief Goeckel advised that at this time there are no designated truck routes in the Township.

Mayor O'Connor moved to introduce Ordinance 2005-010. Committeeman Brower seconded the motion.

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

The public hearing is scheduled for June 9, 2005.

**ORDINANCE 2005-011**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AS RESPECTS PAYMENT OF CERTAIN FEES**

**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 XXX, Section 30-17.8, Payment of Fees, as respects payment of certain fees as follows:

1. Subpart a. of Section 30-17.8, Payment of Fees, is amended to read as follows:
  - a. All fees required by this chapter shall be paid by check or money order drawn to the order of the Township of Chatham. Any check for fees in excess of five hundred (\$500.00) dollars shall be in the form of a certified or bank check, or an attorney's bank or trust check. Except as otherwise provided, all

- fees shall be paid at the time of the filing of any application or appeal and shall be submitted with the application or appeal.
2. All other subsections of Section 30-17.8 shall remain unchanged.
  3. This ordinance shall take effect as provided by law.

Mayor O'Connor stated that this is a land use ordinance regarding fees. Committeeman Hartford stated that the reasoning behind this ordinance is to make the process more user-friendly.

Mayor O'Connor moved to introduce Ordinance 2005-011. Committeeman Brower seconded the motion.

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

The public hearing is scheduled for June 9, 2005.

**Consent Agenda**

Mayor O'Connor asked the members of the Township Committee if they had any comments on Resolution 2005-116 through Resolution 2005-120. Committeeman Brower referenced Resolution 2005-117, advising that he received a telephone call from Mr. Rieck stating that he wanted his bond or escrow released. Mr. Rieck further stated the Township Administrator informed him that such funds could not be released until amounts owed to the Township by Mr. Rieck were satisfied. Administrator Ciccarone advised that the situation was resolved. The issues being disputed with Mr. Rieck include a bill submitted to Mr. Rieck by the Township Engineer for services rendered during the house move in July 2004, which resulted in the second issue relative to the need to close the municipal building and loss of wages incurred at an amount of approximately \$3,400.00. Administrator Ciccarone advised Mr. Rieck that he would not release the check until payment was rendered. Administrator Ciccarone advised that Mr. Rieck satisfied payment and his check will be ready Friday, May 26, 2005. Committeeman Brower asked Mayor O'Connor if Administrator Ciccarone had the right to take this action without bringing it to the Township Committee. Administrator Ciccarone advised that it was per the Township Committee's instruction that directed him to present Mr. Rieck with the bill and it is Administrator Ciccarone's understanding that it is his responsibility to collect monies owed. Committeeman Brower also referenced a lawsuit filed by residents who were affected by the house move. Attorney Woodward advised that the case was submitted to the insurance carrier who is providing a defense; therefore, the Township is protected in this regard. Administrator Ciccarone advised that a lawsuit was not filed; permission was sought from the Court to file a Late Notice of Claim.

**RESOLUTION 2005-116**

**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 2005 be acknowledged as received.

**RESOLUTION 2005-117**

**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>
Nicholas Parisi 567 River Road Chatham, NJ 07928	7760011065	\$653.72

#### **RESOLUTION 2005-118**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR CHATHAM TOWNSHIP PBA LOCAL #170 "CITIZEN APPRECIATION" EVENT**

**WHEREAS**, state regulations require municipal governing body approval for the use of fireworks displays; and

**WHEREAS**, the Township has received an application to conduct a fireworks display by the Chatham Township PBA Local #170 on June 25, 2005, for "Citizen Appreciation" to take place at Shunpike Field on Shunpike Road, Chatham, New Jersey; and

**WHEREAS**, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby approves the Chatham Township PBA Local #170 Fireworks Application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

#### **RESOLUTION 2005-119**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR MADISON AREA YMCA**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by the Madison Area YMCA on June 13, 2005, at Fairmount Country Club, Chatham Township, are hereby approved.

#### **RESOLUTION 2005-120**

#### **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 &amp; ADDRESS</u>	<u>AMOUNT</u>
35	5.05	Investors Savings Bank 101 JFK Parkway Short Hills, NJ 07078  Property Address: 155 Meyersville Road Chatham, NJ 07928	\$3,131.08
79	2	Huth, Lowell & Courtney 187 Lafayette Avenue Chatham, NJ 07928	\$2,062.06

Mayor O'Connor moved to pass the Consent Agenda, Resolution 2005-116 through Resolution 2005-120. Committeewoman Hagner seconded the motion.

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

**Discussion**

1. Development Fees for COAH: Mayor O'Connor stated that a letter was received from the Council On Affordable Housing offering two options; either start collecting development fees pursuant to the ordinance that was adopted or, in the alternative, repeal the adopted ordinance. Attorney Woodward stated that the Township is in total compliance with COAH and will prepare an ordinance to rescind the previous ordinance. The Township Committee authorized Attorney Woodward to draft an ordinance to repeal the original ordinance for their review at the June 9, 2005 meeting.
2. Recreation Shared Services Feasibility Study: Mayor O'Connor stated that the Township Committee needed to discuss moving forward with the options outlined by Dan Mason of Jersey Professional Management. Relative to forming a subcommittee, it was suggested that Committeewoman Hagner, Mayor O'Connor, and Administrator Ciccarone be on the subcommittee with representatives of the Borough of Chatham. Committeeman Hartford questioned what the Board of Education's role is in the Shared Services Contract. Administrator Ciccarone advised that in addition to forming this sub-committee, future endeavors include a formal inter-local agreement between the three governing bodies to formalize the relationship that already exists, with focus on sharing facilities. Relative to Mr. Mason's recommendation for an eight to ten member Joint Recreation Advisory Committee, this would include liaisons from the governing bodies and the Board of Education.

Mayor O'Connor motioned to approve the recommendation for nominees to serve on the recreation subcommittee. Committeewoman Hagner seconded the motion and it carried unanimously.

Relative to the second recommendation in Mr. Mason's outline, Administrator Ciccarone suggested authorizing Mr. Mason to prepare the grant application for a sum of up to \$100,000.

Mayor O'Connor motioned to authorize Jersey Professional Management to move forward with preparing the grant application in accordance with the proposal. Committeeman Brower seconded the motion and it carried unanimously.

3. Grant of Conservation Easements for Block 32, Lot 31 at 51 Ormont Road: Administrator Ciccarone advised that Mr. Ronald Gunn was granted subdivision approval from the Planning Board to create two lots; as part of this approval, Mr. Gunn granted a conservation easement to the Township. Administrator Ciccarone recommended the Township Committee approve a Resolution accepting the conservation easement.

**RESOLUTION 2005-122**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF  
NEW JERSEY ACCEPTING CONSERVATION EASEMENT FROM GUNN  
ENTERPRISES, INC.**

**WHEREAS**, the Planning Board, by Resolution dated December 6, 2004, has granted minor subdivision approval for premises located on Ormont Road in the Township, designated as Block 32, Lot 31 on the current tax map of the Township, to create two lots to be designated as Block 32, Lots 31 and 31.01; and

**WHEREAS**, said approvals require the execution to the Township of Conservation Easements, which include utility easements, on steep slopes on the respective lots as a condition of said approvals, which Easements have been submitted and been found acceptable;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that said Conservation Easements, copy attached hereto, from Gunn Enterprises, Inc., on premises designated as Block 32, Lots 31 and 31.01, be hereby accepted and that the Mayor and Clerk are hereby authorized to execute the same.

Mayor O'Connor moved to pass Resolution 2005-122 accepting grant of Conservation Easement for Block 32, Lot 31, 51 Ormont Road. Committeewoman Hagner seconded the motion.

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

4. Request from Hickory Square for Night Paving: Mayor O'Connor stated that a letter was received requesting permission to do paving work at night at the Hickory Square shopping center. Administrator Ciccarone advised that a representative of Hickory Square, Frank Cosentino, was present to answer any questions. Committeeman Hartford stated concern with the noise at it impacts neighbors at Chatham Hill Apartments and the assisted living facility, Juniper Village. Mr. Cosentino stated that he has not contacted the neighbors as of yet, but stated that there is fencing that would help with noise. Mr. Cosentino added that he believes the only noise that may be an issue is the milling process, but would try to start while it is still light so as to lessen the noise impact in those particular areas adjacent to the parking lot. A request for 10 evenings has been proposed, but more realistically, it would take maybe five or six evenings. It is anticipated that this could be done during the week to avoid weekends. Committeeman Hartford requested the sequence of work and timing. Mr. Cosentino stated that a contractor still needs to be hired, and the work will be done in sections with an effort on making the least amount of disturbance to the patrons. Notification will be sent to the neighbors as a courtesy. Committeeman Brower clarified that this would be ten nights which could run into more time should there be poor weather conditions. Committeeman Brower further stated that the parking lot area nearest the Juniper Village should be done as early in the day as possible in lieu of late night/early morning hours. Committeeman Brower added that Administrator Ciccarone should advise the Police Department that the Township Committee has authorized this work; Administrator Ciccarone advised that Chief Goeckel was present.

**RESOLUTION 2005-123**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF  
NEW JERSEY AUTHORIZING NIGHT PAVING OF THE PARKING LOT AT  
HICKORY SQUARE SHOPPING CENTER**

**WHEREAS**, Fidelity Land Development Corporation, the owner and manager of the Hickory Square Shopping Center has received site plan approval from the Planning Board for reconstruction and repaving of the parking areas at the shopping center; and

**WHEREAS**, in order to minimize the impact on the merchants and their customers at the shopping center, the owner has proposed to do the repaving at night for a period not to exceed 10 nights and has sought the concurrence of the Township in this procedure; and

**WHEREAS**, the request is reasonable provided certain measures are undertaken to minimize the impact of the night paving on the surrounding residential areas;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that repaving of the Hickory

Square Shopping Center at night for a period not to exceed ten (10) nights is hereby authorized, provided that the reconstruction and repaving closest to the surrounding residential areas, including the apartment complex and the assisted living facility take place in the early evening and not be conducted later than 10:00 p.m.

Committeeman Brower moved to pass Resolution 2005-123 approving night paving at the Hickory Square shopping center. Committeewoman Hagner seconded the motion.

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

5. Bike Path through the utility easements: Committeewoman Hagner advised that the Open Space Committee is requesting permission to send a letter to PSE&G to determine if they would consent to a bike path through the utility easements. A gravel path is suggested in two parts; one from Shunpike to Southern Boulevard near Cougar Field; the other path from Southern Boulevard to Town Hall. Committeeman Hartford said he is supportive of bike paths, however, has safety concerns about gas pipelines and high-tension wires. Attorney Woodward stated that the area south of Southern Boulevard has a dirt road with an underground gas pipeline that has been used by the public and that no part is prohibited to the public. Committeeman Brower expressed concern about trespassing onto residential property, fences and emergency type response on gravel paths. After a lengthy conversation, the Township Committee agreed that the Open Space Committee could seek support from PSE&G to pursue this first step toward achieving a bike path.

#### **Hearing of Citizens**

Mayor O'Connor opened the hearing of citizens.

1. Michael Dean, Chatham Borough resident, would like a joint meeting scheduled for June 2005 to bring the School Board, Chatham Township and Chatham Borough representatives together to update the public on the Woodland Park project, in particular, the interlocal agreement.
2. Peter Hofmann, May Drive resident, commented on the Woodland Park project expenses to be incurred by the Township and Borough, the house appraisal, and development on the school board portion of the park. Committeeman Hartford thanked Mr. Hoffman for his recent correspondence relating to the Woodland Park project.

Mayor O'Connor closed the hearing of citizens.

Committeeman Hartford requested a discussion on Colony Pool. The Colony Pool Advisory Committee requested Township Committee authority to waive the \$75 new membership fee for senior citizens at the Open House. Committeeman Hartford would like to approach the Senior Center with this promotional offer. Committeeman Brower suggested waiving the fee for individuals who lived in the Township for a certain number of years. Administrator Ciccarone suggested limiting the waiver to Chatham Township residents only. Committeeman Hartford has requested the number of memberships from Recreation Director Thomas Denning. After a lengthy conversation, it was agreed to table this discussion.

Mayor O'Connor moved to adjourn the meeting at 10:45 p.m. Committeeman Brower seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk