

**TOWNSHIP OF CHATHAM  
COMMITTEE MEETING MINUTES  
JUNE 23, 2005**

Mayor O'Connor called the regular 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 and Mayor O'Connor.

**Approval of Agenda**

Mayor O'Connor stated that the Township Committee would be going into Executive Session at the beginning of the meeting. Resolution 2005-141 – Amending Contract with Hatch Mott MacDonald for Woodland Park was tabled. Mayor O'Connor also wanted to entertain a brief discussion relative to a summer meeting schedule and explained that there are currently two meetings in July and two meetings in August and would like to go to one meeting for each month.

**Executive Session**

**RESOLUTION 2005-P-07**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING  
CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

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-07 at 7:40 p.m. Committeewoman Hagner seconded the motion. Mayor O'Connor advised that action will be taken upon returning from Executive Session.

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

The Committee returned from Executive Session at 9:35 p.m.

**RESOLUTION 2005-142**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING  
AS A MEMBER OF THE TOWNSHIP COMMITTEE UNDER THE  
MUNICIPAL VACANCY LAW**

**WHEREAS**, duly elected member of the Township Committee John DeMeo has resigned from the Township Committee effective June 10, 2005; and

**WHEREAS**, in accordance with the requirements of the Municipal Vacancy Law, N.J.S.A. 40A:16-1, et seq., the Republican Committee of the Township of Chatham has submitted to the Township Committee the names of three candidates to fill the position vacated by Mr. DeMeo, a Republican; and

**WHEREAS**, the Township Committee, upon review of the nominees, has determined to select Kevin Tubbs to fill the position of Township Committee Member until the next election scheduled for November 2005 at which a successor to Mr. DeMeo will be voted by the public;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Kevin Tubbs is hereby appointed as Township Committee Member to serve in the place and stead of John DeMeo in accordance with the laws of the State of New Jersey, including without limitation the Municipal Vacancy Law, and until his successor shall be elected at the general election to be held in November 2005 and sworn in to office.

Mayor O'Connor explained that as a result of Committeeman DeMeo's resignation, the Township Committee needed to fill this vacancy.

Mayor O'Connor moved to pass Resolution 2005-142 Appointing Kevin R. Tubbs as a Member of the Township Committee of the Township of Chatham. Committeeman Hartford seconded the motion.

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

**Oath of Office:**

Kevin Tubbs was sworn in as a Township Committee Member.

**Reports**

Committeewoman Hagner provided the following reports:

- Green Acres approved the open space grant in the amount of \$400,000, and is it now subject to approval by the Legislature.
- Attended a Ten Towns Meeting and the Township of Chatham is eligible for a grant from the U.S. Fish & Wildlife, which will be decided at the Ten Towns anniversary meeting on June 24, 2005.

Committeeman Brower provided the following reports:

- Attended the Mayor's monthly meeting in Madison and two issues discussed were recreation and deer management. Relative to recreation, they believe more studies need to be done. With regard to deer management, Madison has had a very comprehensive survey completed and are looking at different options. It was agreed that expanding bow hunting onto County lands is a step in the right direction.

Committeeman Hartford provided the following reports:

- Attended a SEAMLESS meeting and deer management was also discussed. They presented the results on the deer aerial count and agreed the towns need to work together to address the problem.
- Department of Public Works completed the addition to the picnic area at Colony Pool. The Colony Pool Advisory Committee had a meeting and suggested a site survey to move forward with the tennis courts. Another topic was a discussion on encouraging teenagers to continue with activities at Colony Pool. Advisory Committee members would like to present their suggestions to the Township Committee at a future meeting.
- The Board of Health discussed asbestos removal and concerns relative to steps taken when a house is demolished. The Township Committee is being asked to review the code and incorporate language into the codebook. Administrator Ciccarone stated that the type of

asbestos that can become airborne is not typically used in residential homes. Committeeman Hartford stated that the Noise Ordinance has been posted on the website.

Committeeman Tubbs reported on the following:

- The Conservation Element of the Master was passed by the Planning Board at the Monday, June 20, 2005 meeting, and the members of the Environmental Commission and Planning Board were thanked.

Mayor O'Connor provided the following reports:

- Engineer Ruschke advised that the Southern Boulevard sidewalk project has been completed.
- Engineer Ruschke stated that the Sunset Lake project is moving forward, however, there is consideration for a new design of the stormceptor. Administrator Ciccarone stated that Engineer Ruschke has had discussions with the County and Madison Engineers relative to the new design. The change in plans is due to a project Madison has underway that may provide for a smaller stormceptor.

Administrator Ciccarone provided the following reports:

- The Treatment Works Application for the sewer project has been approved and the Local Finance Board is reviewing the application to finance this through the infrastructure trust program. Bond Counsel will be attending the meeting with Administrator Ciccarone on July 11, 2005.

Mayor O'Connor provided the following additional reports:

- A letter was received from Heather Gerding thanking the Township Committee for making Pine Street safer.
- A letter from the Board of Chosen Freeholders was received relative to the Mt. Vernon Avenue Bridge, which will be closed over Passaic River from August 1, 2005 through November 30, 2005. Committeeman Brower recommended sending notification letters to emergency services and to residents in the event they need immediate assistance. Administrator Ciccarone stated that the County was aware of the Township of Chatham detour suggestions. Administrator Ciccarone will discuss this with the County to ensure notifications are provided.
- Advised that there is nothing new from the DEP relative to the Woodland Park.

Committeewoman Hagner provided the following additional report:

- PSE&J will be putting up three new lights and replacing three lights on River Road. Everyone on River Road who is in the vicinity of the streetlights received letters.

### **Hearing of Citizens**

Mayor O'Connor opened the hearing of citizens.

1. Peter Hofmann, May Drive resident, concurred with the Township Committee's decision to table Resolution 2005-141 and added that Hatch Mott's request for additional funds should be denied. Mr. Hofmann referenced many public documents sent to or signed by Township Officials. Administrator Ciccarone advised that Hatch Mott's contract has different phases involved. Due to complications, delays, and wetland delineations, Hatch Mott MacDonald made a request to move some money from one phase back to a preliminary phase; this does not change the total of the contract. This is not costing the taxpayers any money. Mr. Hofmann also asked that a new resolution be passed to rescind Resolution 2004-198 and Mayor O'Connor stated that he strongly supports this resolution and sees no need to repeal it.
2. Michael Dean, Chatham Borough resident, referred to a resolution passed by Chatham Borough, similar to Chatham Township Resolution 2005-141 that was tabled. Mr. Dean inferred that the Borough stated that the project will be stalled by DEP until this project is funded. Administrator Ciccarone stated that he believes there would be no reason for a delay on this action to cause DEP to delay its review. Mr. Dean referred to a comment in Hatch Mott MacDonald's letter stating, in part, "significant and unforeseen expenses." Relative to the interlocal agreement, Mr. Dean asked if there was merit to Mr. O'Neill's comments that he has wanted five conditions in the interlocal agreement relative to the Board of Education property.
3. Eugene Iwanciw was present and representing his parents' interest, who are Meyersville Road residents. Mr. and Mrs. Iwanciw have resided in Chatham Township for 23 years.

Their property is 1.29 acres, but has been assessed at 1.45 acres. In a letter of June 13, 2005 from Ernest DelGuercio, Tax Assessor, Mr. Iwanciw stated that the letter stated that an adjustment would be made in 2006. Mr. Iwanciw added that the letter went on to state that his parents had no recourse to collect the overpaid monies paid to the Township for 23 years. Mr. Iwanciw stated that the money collected was for phantom, non-existent land and believes the Township's error should not allow them to hide behind State laws. Mr. Iwanciw wants his parents to receive an explanation for the Township's error, an apology, and a refund with interest. Mr. Iwanciw roughly calculated the amount owed and asked for a refund of approximately \$5,000.00. Mr. Iwanciw stated that while the State law may state that nothing requires the Township to reimburse his parents, the State law does not say there is anything preventing the Township from reimbursing his parents.

Committeeman Brower asked if there was documentation available outlining the number of years and specific dollar amounts, and Mr. Iwanciw referred to Mr. DelGuercio's letter and the tax records that he reviewed. Committeeman Brower stated that he is sympathetic to this issue, but the Township Committee would need exact calculations for review. Relative to the legalities, Attorney Woodward stated that more information would be required before any legal recommendation could be offered to the Township Committee. After a lengthy conversation, the Township Committee recommended that Mr. Iwanciw meet with Administrator Ciccarone on Monday, June 27, 2005.

4. Michael Dean, Chatham Borough resident, asked the Township Committee to comment on Mr. O'Neill's inference that he has stated repeatedly that there would be five conditions outlined in the Interlocal Agreement on behalf of the School Board. Attorney Woodward advised that when he is negotiating documents, he has no comment.

Mayor O'Connor closed the hearing of citizens.

#### **Public Hearing/Final Adoption of Ordinances**

### **ORDINANCE 2005-013**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING THE MANDATORY DEVELOPMENT FEE ORDINANCE**

**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 as follows:

1. Chapter 30, Article 11, Affordable Housing, Section 30-141, Mandatory Development Fees, is hereby repealed in its entirety.
2. All other provisions of Chapter 30 shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Mayor O'Connor opened the hearing to the public, however, hearing no one, the public hearing was closed. Mayor O'Connor asked the Township Committee for comments. Committeeman Hartford stated that he is concerned with the Township's obligation with Round Three Substantive Certification. Committeeman Hartford reviewed the COAH website and provided a handout to the Township Committee. Committeeman Hartford requested an educational session in conjunction with the Planning Board in order for Attorney Woodward to provide information regarding the Township's obligations. Attorney Woodward provided a very detailed outline of the obligations and procedures. Attorney Woodward explained that our obligation was satisfied almost ten years ago and that the Third Round Substantive Plan is a different concept from what it has been. Administrator Ciccarone advised that this Ordinance is about repealing the fees; the discussion taking place should be held for a workshop meeting. Committeeman Hartford stated that he believes the Township needs the revenue from these fees. Attorney Woodward advised that the planner is working on the housing element of the Master Plan and that would address Committeeman Hartford's concerns. Committeeman Hartford asked what happens in ten years when affordable housing converts to market price, and stated his concern about seniors and others who cannot afford to live in the Township.

Mayor O'Connor made a motion to adopt Ordinance 2005-013. Committeewoman Hagner seconded the motion.

**Roll Call:** Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Nay; Committeeman Tubbs, Aye; and Mayor O'Connor, Aye.

**Introduction of Ordinances:**

Attorney Woodward requested that Ordinance 2005-012 be tabled as he and Chief Goeckel would like more time to review and adjust the contents. Mayor O'Connor and the members of the Township Committee concurred.

**ORDINANCE 2005-014**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGULATING STOPPING OR STANDING ON GREEN VILLAGE ROAD 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, as respects Green Village Road as follows:

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

<b><u>Name of Street</u></b>	<b><u>Side of Street</u></b>	<b><u>Location</u></b>
Green Village Road	a. East	From the southerly curblineline of Shunpike Road to a point 925 feet south of the southerly curblineline of Hickory Place.
	b. West	
	c. East	From the southerly curblineline of Shunpike road to a point 525 feet south thereof.
	d. West	Beginning 100 feet from the Township of Chatham – Township of Harding boundary line to a point 625 feet east thereof.
		Shunpike Road to the Township of Chatham – Borough of Madison boundary line.

2. All other provisions of Section 7-10 shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Attorney Woodward advised that this Ordinance follows the recommendations of Patrolman Curtis and is practically word for word his suggestions as written. After a lengthy discussion, it was determined that Oak Knoll should be advised of the Ordinance as introduced.

Committeeman Brower made a motion to introduce Ordinance 2005-014. Committeewoman Hagner seconded the motion.

**Roll Call:** Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Aye; and Mayor O'Connor, Aye.

In order for a public hearing date to be set, the Township Committee needed to discuss their summer meeting schedule. [Please refer to Discussion Item No. 1, Summer Meeting Schedule, where it was determined the public hearing for Ordinance 2005-014 will be on July 21, 2005.]

Discussion:

1. Summer Meeting Schedule: The summer meeting dates presently include July 14, July 28, August 11, and August 25, 2005. Concern was expressed relative to causing delays in municipal business and the need to move forward with implementing the Recreation Advisory Committee recommendations. The Committee discussed various options at length. Following discussion, the Township Committee decided to cancel the meetings on July 14 and July 28 and have one meeting to be held on July 21, 2005. The August 2005 schedule will be determined at that meeting.

The public hearing for Ordinance 2005-014 will be scheduled for July 21, 2005.

### **Consent Agenda**

Prior to approving the Consent Agenda, Mayor O'Connor asked the Committee Members if they wanted a discussion on any of the Resolutions. Committeeman Hartford referenced Resolution 2005-137 – Authorizing Bids for Paving Hickory Place and asked for more details. Administrator Ciccarone advised that the Township received a State grant to repave Hickory Place; this resolution allows the engineers to move forward with this project.

### **RESOLUTION 2005-132**

#### **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 May 2005 be acknowledged as received.

### **RESOLUTION 2005-133**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF AN ALCOHOLIC BEVERAGE LICENSE IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2005**

**WHEREAS**, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2005 has been made by N & M Chatham Inc.;

**WHEREAS**, the applicant has complied with all the requirements of "An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages", known as the "Alcoholic Beverage Act and Amendments and Supplements thereto", as well as the Ordinance of the Township of Chatham entitled "An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages", as amended, including the submission of the appropriate license fees, and no objections to the renewal of said license has been received.

**NOW, THEREFORE, BE IT RESOLVED** that the local issuing authority hereby grants the renewal of a plenary retail distribution license as prepared by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2005, as follows:

To N & M Chatham Inc., for premises situate at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-007).

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

**RESOLUTION 2005-134**

**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>
Donato Russo M.D. 28 Ralph Road West Orange, NJ 07052	13012	\$8,440.00

Property Location:  
112 Candace Lane  
Chatham, NJ 07928

**RESOLUTION 2005-135**

**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>
Summit FMBA #54 396 Broad Street Summit, NJ 07901	September 24, 2005	Chatham Township Volunteer Fire Department 495 River Road Chatham, NJ 07928

**RESOLUTION 2005-136**

**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	11	Bradford & Victoria Barsily 38 Lisa Drive Chatham, NJ 07928	\$700.00
79	7	Alan C. Routh Mailing Address: P. O. Box 527644 Miami, FL 33152  Property Address: 82 Fairview Avenue Chatham, NJ 07928	\$2,021.20

**RESOLUTION 2005-137**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PREPARATION OF THE BID SPECIFICATIONS FOR PAVING HICKORY PLACE**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the Township Engineer be, hereby, authorized and directed to prepare bid specifications for installing a new curb and resurfacing of Hickory Place.

**RESOLUTION 2005-138**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR ONE NEW FOUR WHEEL DRIVE ARTICULATED WHEEL LOADER**

**WHEREAS**, the Township Committee of the Township of Chatham has received bids for ONE NEW FOUR WHEEL DRIVE ARTICULATED WHEEL LOADER and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on this day, June 23, 2005 that:

- 1) Contract for: One New Four Wheel Drive Articulated Wheel Loader be and is hereby awarded to:

**TRICO EQUIPMENT  
VINELAND, NJ 08360**

On their low bid of \$102, 675.00 with trade-in.

- 2) The exact title of the appropriation to be charged is: Bond Ordinance 2005-006, Purchase of DPW Equipment.
- 3) This Resolution shall take effect immediately.

**CERTIFICATION OF THE AVAILABILITY OF FUNDS**

I herewith certify that, as of June 23, 2005, the free and unencumbered balance in the appropriation account entitled Purchase of DPW Equipment is \$175,000. The remaining available balance after this transaction is \$ 72,325.

**RESOLUTION 2005-139**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SEWER EASEMENT FOR 1A LAKE ROAD**

**WHEREAS**, Antonio De Matos and Ana M. Paiva are the owners of 1A Lake Road, Block 130, Lot 15 on the Tax Map, and have applied for a variance to construct an addition on the dwelling on the subject premises; and

**WHEREAS**, during the course of the application process before the Board of Adjustment, it appeared that a municipal sewer pipe had been installed years ago that crossed a portion of the subject premises and that a sewer easement had not been perfected at the time; and **WHEREAS**, in order to facilitate the variance approval and to perfect the sewer easement, it is necessary to enter into a sewer easement agreement with the owners which shall provide for a ten foot wide easement and incorporate the metes and bounds description prepared by William J. Butler, L.S., dated May 4, 2005; and

**WHEREAS**, the Township Committee wishes to authorize the Mayor and Clerk to execute such easement agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute a sewer easement agreement with the owners of 1A Lake Road, which easement shall be ten feet in width and be described in accordance with the metes and bounds description prepared by William J. Butler, L.S., dated May 4, 2005, and which shall be approved by the Township Attorney.

**RESOLUTION 2005-140**

**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 municipal 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 funds may be used for the purchase of property or easements within the Township for active and passive recreation and the development and maintenance of municipal properties to be used for active and passive recreation.

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 moved to approve the Consent Agenda, Resolution 2005-132 through Resolution 2005-140. Committeeman Brower seconded the motion.

**Roll Call:** Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Abstain; and Mayor O'Connor, Aye.

### **Hearing of Citizens**

Mayor O'Connor opened the hearing of citizens.

1. Michael Dean, Chatham Borough resident, asked if the Township Committee would discuss the Woodland Park Interlocal Agreement and the status of negotiations during Executive Session.
2. Peter Hofmann, May Drive resident, requested two copies of Resolution 2005-140 so that he could give them to two local newspapers. Referencing the agenda, Mr. Hofmann claimed that important facts were being concealed. Administrator Ciccarone advised that the purpose for the resolution being placed on the agenda was for clarification purposes; one word in the body was changed and one sentence in the Explanatory Statement was changed when Resolution 2005-090 was before the Committee previously. It was approved with the changes documented here and the purpose of this being placed on the agenda was to give the Township Committee a version of what was previously approved with the added language.

### **Executive Session**

#### **RESOLUTION 2005-P-08**

#### **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-08 at 11:20 p.m. Committeewoman Hagner seconded the motion. It is anticipated that action will be taken.

**Roll Call:** Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Aye; and Mayor O'Connor, Aye.

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

**RESOLUTION 2005-143**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM SELECTING DEPUTY MAYOR FOR 2005**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Bailey Brower, Jr. is hereby selected as Deputy Mayor of the Township of Chatham for the remainder of the year 2005.

Mayor O'Connor read the above Resolution. Committeewoman Hagner made a motion to appoint Bailey Brower, Jr. as Deputy Mayor. Committeeman Hartford seconded the motion.

**Roll Call:** Committeewoman Hagner, Aye; Committeeman Brower, Aye; Committeeman Hartford, Aye; Committeeman Tubbs, Aye; and Mayor O'Connor, Aye.

Deputy Mayor Brower was sworn into office. The public applauded.

Committeewoman Hagner moved to adjourn at 11:38 p.m. Committeeman Hartford seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk