

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
JUNE 26, 2003**

Deputy Mayor Hoag 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 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.

Deputy Mayor Hoag led the flag salute.

Deputy Mayor Hoag announced that this would be the second meeting that the audio system was used.

Answering present to the roll call were Committeeman Brower, Committeewoman Fair, Committeeman O'Connor, Deputy Mayor Hoag. Mayor DeMeo was absent.

Approval of Agenda

Prior to approving the agenda, Committeewoman Fair requested that the agenda be amended to include discussion items for the July 10, 2003 Township Committee meeting agenda. Committeeman O'Connor moved to approve the agenda as amended. Committeewoman Fair seconded the motion. The motion carried unanimously.

Special Recognitions/Awards

Deputy Mayor Hoag read the attached Proclamation that proclaims that the years 2002 to 2011 as the "National Bone and Joint Decade" in recognition of a rare genetic condition called Fibrodysplasia Ossificans Progressiva. Deputy Mayor Hoag said that copies of the Proclamation would be sent to Trenton and Washington.

Reports

Committeewoman Fair reported that the Township of Chatham received an award from the Ten Towns Great Swamp Management Committee in acknowledgement of the pioneering efforts and accomplishments the Township has made in Storm Water Management that the State is now requiring other towns to follow. Committeewoman Fair also reported on a meeting she attended of the Colony Pool Advisory Committee. Committeewoman Fair advised that there is a full lesson agenda and that the swim team is active. The Colony Pool Advisory Committee also thanked the Public Works Department for all the work they have done at the pool and establishing the new lawns.

Deputy Mayor Hoag reported that she attended a meeting of the Land Use Committee with members of the Land Use Office, Engineer Michael Bennett and Administrator Tom Ciccarone. Deputy Mayor Hoag advised that they meet yearly to discuss land use issues and to ask them for recommendations. At the meeting a number of suggestions came up concerning ordinances and procedural changes.

Administrator Tom Ciccarone mentioned that during the Executive Session later this evening, the Committee would be discussing the Administrative Consent Order from the NJDEP with regards to WPCI Tanglewood Treatment Plant. He said that after the Executive Session, he would request the Township Committee to approve the execution of the agreement that was reached in Trenton.

Hearing of Citizens/Petitions

Deputy Mayor Hoag opened the Hearing of the Citizens.

1. Joseph Kelly, Mountain Avenue resident, requested that the Township publish the exact amount of salary increases Township employees receive rather than the percent and how it affects taxes. The Township Committee said this could be a discussion item at the next meeting.
2. Peter Hofmann, 82 May Drive, announced that he was disturbed to read an article in the Chatham Courier about whether the Skate Park is held to a lower standard. Mr. Hofmann said the members of the Planning Board and the Board of Adjustment who handled the hearings on Mr. Heyl's property, should be reprimanded and asked to resign if there are two standards. Mr. Hofmann suggested that the Township Committee appoint a sub-committee consisting of Committeeman Brower, and either Mayor DeMeo or Committeeman O'Connor to determine whether there are different standards and to look into the work being done at the water tower site without proper approvals and to look into whether there was any input from the Township Engineer about the expansion of Esternay Field.
3. Richard Keegan, 517 Green Village Road, reported that he heard that Mrs. Ferber, owner of 50 acres of undeveloped land in Green Village, is taking action to sell her land and asked the Township Committee to look into using Open Space funds to acquire it if it is for sale or to increase the zoning to three acres per building lot. Committeewoman Fair advised Mr. Keegan that the zoning in the area is three and one half acres per lot and that the Open Space Committee would investigate the matter. Committeewoman Fair also mentioned that most of the Ferber land is in the Township of Harding and they have a Land Trust for this purpose. Deputy Mayor Hoag said that as a member of the Open Space Committee they would look into this. Committeeman O'Connor thanked Mr. Keegan for bringing this to the attention of the Township Committee.
4. Dr. Kenneth R. Benson, 1 Aberdeen Road, said that he was deeply concerned about what he read in the Brower Watchdog Report that the Township Administrator had forbidden the Insurance Agency to talk with Mr. Brower. Dr. Benson thought this was a disgrace because he voted for Mr. Brower and that Mr. Brower had made a lot of contributions to the education of children in the town and he should have the right opportunity to express himself. Committeewoman Fair requested that Administrator Ciccarone respond for the record. The Administrator replied the letter is not accurate and that he received a phone call from the insurance representative asking him for direction as to what to do with a demand from Committeeman Brower for a meeting to discuss the insurance issues of the Township. Administrator Ciccarone said he talked with Mayor DeMeo since insurance matters of the Township are handled by the Finance Sub-Committee, Committeeman O'Connor and Mayor DeMeo. Administrator Ciccarone said he was instructed by Mayor DeMeo to tell the insurance agent that Mr. Brower was not acting in an official capacity representing the Township Committee and that she should treat Mr. Brower as she would treat any other citizen of the Chatham Township. Committeeman Brower said that the insurance agent had an appointment with him but she said that Mr. Ciccarone told her she should not meet with Mr. Brower. Committeeman Brower said he then filed a complaint with the Morris County Prosecutor's office. Committeeman Brower also brought up e-mail correspondence that Mr. Ciccarone had sent earlier in the year to the senior staff members telling them not to talk to him but that all inquiries should go through Mr. Ciccarone. Committeeman Brower said that as an elected official, he is entitled to this information about the insurance. Committeeman Brower also complained about lack of communication with the other Township Committee members. Committeeman Brower said that Mr. Ciccarone said in essence that he was a liar and that the letter was not correct. Administrator Ciccarone said for the record that he did not say he was a liar, but he merely relayed what he had told the insurance representative. As for the e-mail to his senior staff, Mr. Ciccarone said he never asked his staff not to talk to Mr. Brower, but that they were not to take direction from any member of the Township Committee and that all requests should go through him so he is aware of what is going on. Committeeman O'Connor stated that he believes the Administrator acted properly and that Mr. Brower could have come to him as the Chair of the Finance Sub-Committee and asked for the documentation for the insurance, but he chose not to do that. Committeewoman Fair stated that the Township Committee has set up a process so that there is accountability and they work through the Township Administrator to keep things

in an appropriate process. She also reiterated that the Administrator is acting in good faith and in accordance with the By-Laws of the Township.

Deputy Mayor Hoag closed the hearing of citizens

Committeeman Brower requested to speak in response to Mr. Hoffman remarks. Committeeman Brower referred to water drainage and catch basins that were required on Mr. Heyl's property, but the Township does whatever they want to do. Committeeman Brower said the same rules should apply to the Township as they impose on the residents. Committeewoman Fair responded the Heyl property was formally wetlands, some of it was filled legally during the time the wetlands were not protected, but a lot of it was not filled and had to be delineated and protected under State law requiring a lot of work with the Department of Environmental Protection. Mr. Heyl also had property that is in the 100-year flood plain that required approval to build in that flood plain. Committeewoman Fair also advised a filled farm pond on the property was an issue and there were underground leaky tanks that DEP had to deal with. The Township property for the Skate Park had a delineated wetland and we were outside of the transition area, and the Township Engineer appeared before the Planning Board and complied with all local ordinances. The Heyl project was a large-scale construction project of approximately 18 town houses and streets and the no net ordinance was required by the DEP in order to use the expanded sewer capacity. The Township Engineer Michael Bennett clarified that with regard to the Skate Park the construction of the stormwater aspects has not yet been completed. Also he stated that the use is primarily for the skatepark and there is no new vehicular traffic use. The new stormwater best management practices are designed for the change of areas from grass to pavement but the pavement is not going to have any traffic or any deposition of contamination. The recommended best management practices are to infiltrate the water to mitigate the increase in volume and the water quality aspects will be treated through the stone and are minimal changes, as opposed to a parking lot where there is contamination from cars, oil, grease, salt, sand, etc. that have to be removed prior to infiltration into the ground. Deputy Mayor Hoag also said that the size of the Skate Park is 100 x 100 feet whereas the Heyl property is approximately 15 acres.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2003-006

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, ESTABLISHING REQUIREMENTS FOR A CERTIFICATE
OF COMPLIANCE FOR INSTALLATION OF SMOKE-SENSITIVE ALARMS
AND CARBON MONOXIDE ALARM COMPLIANCE
AND ESTABLISHING FEES THEREFOR**

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 and amendments to Chapter XI, Section 11-4, as follows:

**1. 11-4 CERTIFICATE OF SMOKE DETECTOR AND CARBON MONOXIDE
ALARM COMPLIANCE**

11-4.1 Findings. N.J.S. 52:27D-198.1, which became effective June 8, 1991, requires that every structure used or intended for use for residential purposes by not more than two (2) households shall have a smoke sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling in accordance with National Fire Protection Association Standard No. 74-1984. The installation of battery operated smoke-sensitive alarm devices shall be accepted as meeting the requirements of the Statute. N.J.A.C. 5:70-2.3 has been adopted by the New Jersey Department of Community Affairs to require that any such dwellings also install a carbon monoxide detector. The Statute and the regulations provide that no owner of a structure subject to the foregoing requirements and located within the Township shall sell, lease or otherwise permit a new occupancy of such structure for residential purposes without first obtaining from the Township Fire Official a certificate evidencing compliance with these requirements. The Statute and

regulations provide that the Township may establish a fee, which covers the cost of inspection and of the issuance of the required certificate.

11-4.2 Fee for Certificate of Compliance. No owner of a structure within the Township used or intended for use for residential purposes by not more than two ((2) households shall sell lease or otherwise permit a new occupancy for residential purposes without first obtaining from the Township Fire Official a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) evidencing compliance with N.J.A.C. 5: 70-4.19. A fee of thirty-five (\$35.00) dollars shall be paid to the Township of Chatham prior to the issuance of the CSDCMAC by the Township Fire Official. The inspection fee includes the initial inspection and one reinspection. If a second reinspection is required, an additional fee of twenty-five (\$25.00) dollars shall be paid prior to the issuance of the CSDCMAC by the Township Fire Official.

11-4.3 Penalty. Any owner who sells, leases or otherwise permits premises described in subsection 11.4.2 to be occupied without compliance with the requirements set forth in this section without the issuance of the CSDCMAC required by subsection 11-4.2 shall be subject, upon conviction, to the penalty stated in Chapter I, Section 1-5, which fine may be collected and enforced by summary proceedings in the Municipal Court pursuant to the Penalty Enforcement Law, N.J.S 2A:58-1 et seq.

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

Deputy Mayor Hoag explained Ordinance 2003-006 and that it is a State requirement to have a carbon monoxide inspection, in addition to the smoke detector inspection, every time there is a change in occupancy. The ordinance also increases the fee from \$25.00 to \$35.00 for a combined inspection and if a third visit is required there is an additional fee of \$25.00. Deputy Mayor Hoag asked the Committee if they had any comments about the ordinance.

Committeeman Brower said that he sees no reason to increase the fee since the same person is already doing the inspection for the smoke detector and therefore feels the \$25.00 is adequate.

Deputy Mayor Hoag opened the hearing on Ordinance 2003-006 to the public. Since there were no comments, Deputy Mayor Hoag closed the hearing on Ordinance 2003-006.

Committeewoman Fair moved to adopt Ordinance 2003-006. Committeeman O'Connor seconded the motion.

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

Consent Agenda

Prior to voting on the Consent Agenda, Committeeman Brower asked that Resolution 2003-132 and Resolution 2003-138 be pulled for further discussion.

RESOLUTION 2003-127

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 2003, be acknowledged as received.

RESOLUTION 2003-128

RESOLUTION OF THE 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>72000</u>	<u>AMOUNT</u>
Estate of Irene W. Vanderhoff 134 Long Hill Lane	38990	\$ 407.90
Corpus Christi Church 218 Southern Boulevard	38824	\$ 287.75
Robert Cialone Shunpike Road	38805	\$ 56.25

RESOLUTION 2003-129

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CHILDREN'S CENTER FOR THERAPY AND LEARNING

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by Children's Center for Therapy and Learning, at Fairmount Country Club, in Chatham, on August 4, 2003, are hereby approved.

RESOLUTION 2003-130

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING KIWANIS CLUB OF MORRISTOWN COUNTRY SQUIRE 5K & 10K RUNS.

WHEREAS, The Kiwanis Club of Morristown is sponsoring the Country Squire 5K & 10K Runs on Sunday, September 21, 2003, and

WHEREAS, the route for the runs includes streets in the Township of Chatham, and

WHEREAS, The Kiwanis Club of Morristown has made application to the Township of Chatham for permission to conduct the runs upon the streets of the Township, and

WHEREAS, The Kiwanis Club of Morristown has provided the Township with a Certificate of Insurance naming the Township as an additional insured,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that permission is hereby granted to the Kiwanis Club of Morristown to conduct its annual Country Squire 5K & 10K runs upon the streets of the Township as shown on the route map attached, on Sunday September 21, 2003.

RESOLUTION 2003-131

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BLOCK PARTY AND AMPLIFIED OUTDOOR MUSIC

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following are, hereby, granted authorization to use Lisa Drive between Dogwood Drive and Susan Drive for a neighborhood block party and, in accordance with the Township's noise ordinance, to use amplified music outdoors, but allowing emergency vehicles access and controlling music volume to minimize any inconvenience to neighbors:

1. The Maguires, 40 Dogwood Drive, from 1-8 p.m., Saturday, September 6, 2003, (rain date Sunday, September 7, 2003), phone 635-4580.

BE IT FURTHER RESOLVED that the Township Clerk forward a copy of this Resolution to the Police Department, no later than Friday, September 5, 2003.

RESOLUTION 2003-133

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, INCREASING THE AMOUNT IN THE CHANGE
FUND FOR THE MUNICIPAL COURT**

WHEREAS, the Municipal Court of the Township of Chatham provides change for customers who make payments to the court;

WHEREAS, fines in the violations bureau are often paid with large denomination bills;

WHEREAS, the Superior Court of New Jersey has recommended that the change fund for the Municipal Court be increased from \$50.00 to \$100.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Chatham that the change fund administered by the Municipal Court be increased to \$100.00 to provide better service to the public.

RESOLUTION 2003-134

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING RELEASE OF A WINTER BOND**

WHEREAS, the Township requires winter bonds be deposited with the Township to ensure satisfactory completion of lot grading; and

WHEREAS, the lot grading for the following property has been completed and the final inspection has been approved by the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the winter bond deposited for the following property may be released to the depositor of record:

<u>NAME</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
	<u>72000</u>	
Nicholas Parisi 2165 Morris Avenue Union, NJ 07083 Property: 581 River Road Block 63, Lot 9	38927	\$ 5,000.00

RESOLUTION 2003-135

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING
REFUND OF PERFORMANCE GUARANTEE TO MICHAEL KOCHER.**

BE IT RESOLVED by the Township Committee of the Township of Chatham that monies in the amount of four hundred sixty six dollars and sixty six cents (\$466.66) be returned to Michael J. Kocher, 4 Ridge Road, Chatham for completed and approved road-opening work.

RESOLUTION 2003-136

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY
CANCELLING 2002 TAXES**

WHEREAS, the below mentioned parcels were assessed and levied for taxes in 2002; and

WHEREAS, these parcels have been deemed nontaxable having been purchased by the Township of Chatham; and

WHEREAS, tax levies require government body resolutions to be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Clerk notify the Township Treasurer and Tax Collector that the following 2002 levies are hereby cancelled:

Block 95	Lot 20	Woodland Road	\$1476.20
Block 95	Lot 21	Woodland Road	\$867.57
Block 95	Lot 22	7 Woodland Road	\$2,230.62

RESOLUTION 2003-137

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY ESTABLISHING HOURLY PAY FOR
POLICE OFFICERS PROVIDING THIRD-PARTY POLICE SERVICES**

WHEREAS, the Township Committee of the Township of Chatham duly adopted Ordinance 93-20 on December 9, 1993, which Ordinance, codified as Section 2-49 of the Code of the township of Chatham, established procedures regulating the private employment of off-duty police personnel; and

WHEREAS, said Ordinance authorized the Township Committee to establish charges for such employment, including compensation to the member of the Police Department and administrative expenses to the Township; and

WHEREAS, the Township Committee desires to amend the charges presently in existence.

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

1. The charge to private employers for the employment of off-duty members of the Police Department is established at \$48.00 per hour effective June 28, 2001, a minimum of two hours to be paid to the Treasurer, Township of Chatham, 58 Meyersville Road, Chatham, New Jersey.
2. The portion of such charge to be paid to the member of the Police Department rendering such off-duty services is hereby established at \$44.00 per hour effective June 28, 2001 and the balance of \$4.00 per hour to be retained by the Township in payment for administrative expenses.
3. An agreement shall be signed by the private employer and the Township Administrator, upon the recommendation of the Police Chief, before such employment commences.
4. As respects the performance of third-party police services at the King's Supermarket, on Main Street, in the Borough of Chatham, the charge to King's Supermarket shall be \$49.00 per hour with the officer receiving \$45.00 per hour and the Township receiving \$4.00 per hour as an administrative fee.
5. As respects the performance of third-party police services at the Investors Savings Bank, on Main Street, in the Borough of Chatham, the charge to the Investors Savings Bank shall be \$31.00 per hour with the officer receiving \$27.00 per hour and the Township receiving \$4.00 per hour as an administrative fee.
6. Inasmuch as these services are performed outside the boundaries of the Township, P.B.A. Local No. 170 has agreed to deposit in a non-interest bearing escrow account the sum of \$5,000.00. Said sum shall be used to pay the police officers and the Township, and shall be reimbursed upon receipt of payment by the Township from King's Supermarket. In the event that King's Supermarket defaults on payment, P.B.A. Local No. 170 will bear the loss.

RESOLUTION 2003-139

**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 road resurfacing and reconstruction of Hickory Place from Green Village Road to Southern

Boulevard, and committing the Township to all the terms and conditions as contained in the grant application.

RESOLUTION 2003-140

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 road resurfacing and reconstruction of Fairmount Avenue from Meyersville Road to River Road, and committing the Township to all the terms and conditions as contained in the grant application.

RESOLUTION 2003-141

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 940 linear feet of new sidewalk construction of Meyersville Road Sidewalk, # 39 Meyersville Road to #3 Meyersville Road, and committing the Township to all the terms and conditions as contained in the grant application.

Committeewoman Fair moved to approve the Consent Agenda as amended. Committeeman O'Connor seconded the motion.

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

RESOLUTION 2003-132

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 minutes of the Township Committee meetings held on April 10, 2003, April 24, 2003, May 8, 2003 and May 22, 2003.

Committeeman Brower asked whether a statement made at the last meeting would be included in the minutes of April 10, 2003. Deputy Mayor Hoag said that comments made at the last meeting would be included in the minutes of the last meeting.

Committeeman O'Connor moved to approve Resolution 2003-132; Committeewoman Fair seconded the motion.

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

RESOLUTION 2003-138

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CONFIRMING ITS OBLIGATION TO DEFEND AND INDEMNIFY THE INDIVIDUAL MEMBERS OF THE BOARD OF ADJUSTMENT IN THE CASE OF EUROPEAN BUILDERS DESIGNER, INC., ET AL. V. THE

TOWNSHIP OF CHATHAM, ET AL., AND APPOINTING JOSEPH MEZZACCA, ESQ.
TO REPRESENT THE BOARD MEMBERS

WHEREAS, the recently filed case of European Builders Designer, Inc., et al. V. The Township of Chatham, et al., Civ. Action No. 2:03cv01061(JAG), United States District Court for the District of New Jersey (the "Action"), has named various municipal entities and individuals as defendants, including individual members of the Board of Adjustment, specifically, John Leonard, Lawrence Dalziel, Catherine Terry, Peter Pizzi, James Matthews, Alyce Twomey and Paul Wehn (collectively "the Board members"); and

WHEREAS, pursuant to Section 2-50 of the Code of the Township of Chatham, the Township has, subject to the limitations set forth therein, obligated itself to defend and indemnify employees and officials of the Township, including the Board members, against claims such as set forth in the Action; and

WHEREAS, it is necessary to appoint separate counsel to represent the Board members in the Action; and

WHEREAS, Joseph Mezzacca, Esq. of Madison, N.J. has agreed to represent Board members in the Action;

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

1. Joseph Mezzacca, Esq. is hereby appointed to represent the interests of John Leonard, Lawrence Dalziel, Catherine Terry, Peter Pizzi, James Matthews, Alyce Twomey and Paul Wehn (collectively "the Board members") in the case of European Builders Designer, Inc., et al. V. The Township of Chatham, et al., Civ. Action No. 2:03cv01061(JAG), United States District Court for the District of New Jersey (the "Action").

2. The hourly rate for Mr. Mezzacca's services shall not exceed \$145.00 per hour, plus expenses.

3. The Township of Chatham hereby reaffirms its policy, that it has assumed the obligation, as set forth in the Code of the Township at Section 2-50, in accordance with the terms thereof and subject to the limitations therein, to defend and indemnify its officials, including volunteers who serve without any remuneration, including the Board members named in the Action.

Committeeman Brower stated that the public should be aware of the lawsuit because it will be a cost to the community and taxpayers to appoint an attorney to represent the Zoning Board. Committeeman Brower said it is important to appoint the attorney because this lawsuit is against individual members of the Board and certain appointed officials. Committeeman Brower also stated that the Township must provide a forceful defense to its board members or the willingness of volunteers to serve on the boards would be severely compromised. Committeeman Brower said he does not think that the public is aware of this lawsuit and what the ramifications would be. Committeewoman Fair said that Attorney Mezzacca is very well qualified to represent and defend the board members and both Attorney Woodward and Administrator Ciccarone attended a Board of Adjustment meeting and discussed the issue and made it clear to the board members that the Township would defend them to the fullest. Committeeman Brower said that when he first heard of this lawsuit, he suggested that the Township Committee or the Township Attorney send a letter to each individual member, named in the lawsuit, assuring them that they will be defended to the fullest. Administrator Ciccarone explained that Attorney Woodward would defend the township officials named in the lawsuit. Administrator Ciccarone advised the township is still waiting to hear from the insurance carrier as to the level of coverage. Committeeman Brower said the Township already has already incurred about \$100,000 in legal fees to protect against lawsuits brought against the town and feels that the public should know why European Builders have brought this lawsuit against the Township and if it was brought because of Township's strict zoning and building regulations.

Committeeman O'Connor moved to approve Resolution 2003-138. Committeewoman Fair seconded the motion.

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

Discussion: possible ordinance or resolution

1. Identifying items for the discussion for the July 10, 2003 Work Meeting- The Township Committee Members discussed what items should be included for discussion at the July 10, 2003 work meeting and decided on the following:

1. Operational issues, rules and regulations for the Skate Park
2. Permit fees and supervision for the Skate Park
3. Proposed lighting per Alyce Twomey's letter - Lighting Ordinance
4. Tree Ordinance
5. Modifying the agenda to include items for discussion at the following work meeting
6. Deer Ordinance
7. Resolution of appreciation regarding the award received from the Ten Towns Committee
8. Weight Limit on Noe Avenue
9. Towing Ordinance
10. Sidewalk Safety
11. Meeting schedule for August

Hearing of Citizens/Petitions

Deputy Mayor Hoag opened the second hearing of citizens.

1. Joseph Kelly, 65 Mountain Avenue, requested explanations about the resolutions for road improvements. Township Engineer Bennett explained that the Township is applying to the state Department of Transportation for a grant to reconstruct two roads, part of Hickory Place and part of Fairmount Avenue. This grant would provide 85 percent payment by the state to the Township. The Township is also reapplying for a grant for sidewalks on Meyersville Road from Candace Lane to Fairmount Avenue. Mr. Kelly added that Fairmount Avenue from the intersection of Southern Boulevard, going into the Borough of Chatham is very rough. Engineer Bennett clarified that Fairmount Avenue from Southern Boulevard towards the Borough is a County Road.
2. Peter Hofmann, 82 May Drive, commented about the new listening device and said that he can hear very well now with some minor exceptions.

Deputy Mayor Hoag closed the hearing of citizens and announced that the Township Committee would be coming out of Executive Resolution with a resolution to be voted upon.

Executive Session

RESOLUTION 2003-P-12

**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.

Committeeman Brower moved to pass Resolution 2003-P-12 at 8:40 p.m. Committeeman O'Connor seconded the motion.

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

The Committee returned from Executive Session at 9:45 p.m.

RESOLUTION 2003-142

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF ADMINISTRATIVE CONSENT ORDER WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

WHEREAS, the Township of Chatham owns and operates the facility known as Water Pollution Control Plant number 1 located at Tanglewood Lane, and

WHEREAS, the Township of Chatham discharges into an unnamed tributary to the Black Brook under an existing New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) Permit no. NJ0020290, and

WHEREAS, the DSW Permit requires compliance with the Total Dissolved Solids (TDS) effluent limitations as outlined in Part III-A of the Permit, and

WHEREAS, the Township of Chatham does not presently meet those limitations, and

WHEREAS, in order to resolve this matter without trial or adjudication, the Township of Chatham has agreed to enter into and Administrative Consent Order (ACO) and to be bound by its terms and conditions.

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to execute the ACO (a copy of which is attached and made part of this document by reference) on behalf of the Township of Chatham.

Committeewoman Fair moved to pass Resolution 2003-142 authorizing the signing of the Administrative Consent Order establishing a schedule to work with the Department of Environmental Protection to meet the requirements of the sewage treatment plant. Committeeman O'Connor seconded the motion.

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

Committeeman O'Connor moved to adjourn at 9:50 pm. Committeewoman Fair seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk