

**TOWNSHIP OF CHATHAM  
COMMITTEE MEETING MINUTES  
JULY 24, 2003**

Mayor DeMeo 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.

Mayor DeMeo led the flag salute.

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

**Approval of Agenda**

Committeeman O'Connor moved to approve the agenda. Committeewoman Fair seconded the motion and it carried unanimously.

**Reports**

Committeewoman Fair advised she had watched the Green Village Fire Department carry out an exercise as they practiced trying to enter a house that was entirely smoked out in Green Village. Committeewoman Fair commended the volunteers for the time and effort that they put in.

Committeewoman Fair also mentioned that she and Administrator Ciccarone are in the process of collecting information from other communities about deer management and will report back at the work meeting.

Committeeman Brower spoke about the letter that was in the newspaper signed by three Township Committee members and the two women involved in the Skate Park project. Committeeman Brower clarified that he never suggested that the unstable ground under the Skate Park surface would cave in, but that the ground was unstable due to buried debris that was unsuitable to build on without removing. Committeeman Brower said the issue is the integrity of the surface and that cracks could cause safety issues and that the surface that was being applied would not last as long as had been originally planned.

**Hearing of Citizens/Petitions**

Mayor DeMeo opened the hearing of citizens to the public.

1. Daniel Miller, 465 Green Village Road, said that he wanted the Township Committee to reconsider their position with regard to his issue of who complained about his property and thought the rights of all citizens should be protected and not just some. Mr. Miller said he thought that the answer that he received to his request for information was an insult and that he wanted to know who is being protected and who trespassed on his property. Mayor DeMeo said that no one trespassed on his property. Mr. Miller said that he thought the employee taking the complaint should inquire whether the person complaining has tried talking with the individual first about the issue. Mr. Miller said he was annoyed that the Township Committee would not put his mind at ease and that the Committee continues to promote the policy of not releasing the name of the individual who complained about his property. The Mayor responded that the Township investigated the complaint and there was no trespassing. Committeeman Brower said he agrees with Mr. Miller and feels if it is not a criminal action, the names should not remain anonymous.
2. Jeanette Hinds Miller, Green Village resident, said that for many years she dealt with state compliance and asked about the compliance procedures for the town if no records are being kept. Administrator Ciccarone said Dan Miller's request was for copies of

complaints and there are no copies of complaints, since it was a telephone call that generated the complaint. The Administrator advised that in this case, there was no obligation to log that person's name since the Zoning Officer investigated the complaint and verified that there was a violation. The Zoning Officer then became the complainant. Mrs. Miller said she could not understand why the town does not have a form for complaints and said she totally disagrees with the way the town handles it. Committeeman Brower commented that she is seeing why he ran for Township Committee and that this policy could be changed. Mayor DeMeo replied that it is a policy that is followed by every state government.

Mayor DeMeo closed the hearing of citizens.

### **Introduction of Ordinances**

#### **ORDINANCE 2003-007**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF PROPERTY ON SHUNPIKE ROAD, LOT 23, BLOCK 144, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM**

**WHEREAS**, the Township of Chatham has been offered the opportunity to acquire premises on Shunpike Road, known as Lot 23, Block 144 on the Tax Map of the Township of Chatham (the subject premises) from the current owner, Nicholas Parisi and Son, LLC; and

**WHEREAS**, the subject premises so offered to the Township consists of approximately 1.6 acres, is undeveloped, is adjacent to and includes wetlands which are part of the Great Swamp, and possesses significant environmental values; and

**WHEREAS**, the premises has been designated for open space on the Township Master Plan and Open Space Plan; and

**WHEREAS**, acquisition of the subject premises will advance the Master Plan and the Open Space Plan; and

**WHEREAS**, the owner is willing to convey the subject premises to the Township for the sum of \$250,000.00; and

**WHEREAS**, the Township desires to acquire title to the same contingent upon a fair market value appraisal, a satisfactory environmental evaluation, and the appropriation of funds in accordance with the laws of the State of New Jersey;

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

1. The Township of Chatham hereby approves and authorizes the Mayor and Township Clerk to execute an agreement between Nicholas Parisi and Sons, LLC and the Township and such other documents as may be necessary to acquire the above described premises (approximately 1.6 acres) on Shunpike Road, known as Lot 23, Block 144 on the Tax Map of the Township of Chatham.

2. The agreement shall also contain the following essential terms and conditions:

- a. Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts.
- b. The closing shall be contingent upon the Township obtaining a fair market value appraisal and a satisfactory environmental evaluation..
- c. The Township's obligation to close shall be subject to the appropriation of funds in accordance with the laws of the State of New Jersey.

3. The purchase price plus closing costs shall not exceed \$250,000.00, plus \$20,000.00 for closing costs.

4. This ordinance shall take effect in accordance with law.

Administrator Ciccarone advised this property is located at the western end of Shunpike Road and presently owned by Mr. Parisi. The Administrator said the Township has a tentative agreement to purchase the property subject to the proper appraisals and adoption of this ordinance. The purchase would be made with Open Space funds and Green Acre funds. Committeeman Brower asked why an appraiser in Montville was doing the appraisal. Administrator Ciccarone said the Township has used this appraiser before and Thelma Achenbach is a certified Green Acres appraiser. Committeeman Brower asked why we could not use other firms. Committeewoman Fair said she thought that the Open Space Committee asked

this firm because of the familiarity and experience with different land values in the town. Committeeman O'Connor said he did not feel it made a difference unless there was a price differential. Administrator Ciccarone reminded the Committee that the appraiser was listed as a separate item on the agenda.

Committeewoman Fair moved to introduce Ordinance 2003-007. Committeeman O'Connor seconded the motion.

Committeeman Brower said he had a problem with any member of the Township Committee making financial arrangements of this nature or contacting this person and thought the Mayor or Administrator should be the contact person. Administrator Ciccarone clarified that Committeewoman Hoag had called Thelma Achenbach to ask her to submit a proposal to the Administrator. Before voting on the ordinance, Committeeman Brower asked whether Mr. Parisi has agreed to it and was advised that he has.

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

Public hearing will be scheduled for August 14, 2003.

### **ORDINANCE 2003-008**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF PROPERTY ON RIVER ROAD, LOT 12, BLOCK 63, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM**

**WHEREAS**, the Township of Chatham has been offered the opportunity to acquire premises on River Road, known as Lot 12, Block 63 on the Tax Map of the Township of Chatham (the subject premises) from the current owners, Raymond Stefani and family members; and

**WHEREAS**, the subject premises so offered to the Township consists of approximately 5.05 acres, is undeveloped, is includes wetlands and is adjacent to open space recently acquired by the Township, and possesses significant environmental values; and

**WHEREAS**, the premises has been designated for open space on the Township Master Plan and Open Space Plan; and

**WHEREAS**, acquisition of the subject premises will advance the Master Plan and the Open Space Plan; and

**WHEREAS**, the owner is willing to convey the subject premises to the Township for the sum of \$85,000.00; and

**WHEREAS**, the Township desires to acquire title to the same contingent upon a fair market value appraisal, a satisfactory environmental evaluation, and the appropriation of funds in accordance with the laws of the State of New Jersey;

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

1. The Township of Chatham hereby approves and authorizes the Mayor and Township Clerk to execute an agreement between Raymond Stefani and family and the Township and such other documents as may be necessary to acquire the above described premises (approximately 5.05 acres) on Shunpike Road, known as Lot 12, Block 63 on the Tax Map of the Township of Chatham.
2. The agreement shall also contain the following essential terms and conditions:
  - a. Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts.
  - b. The closing shall be contingent upon the Township obtaining a fair market value appraisal and a satisfactory environmental evaluation..
  - c. The Township's obligation to close shall be subject to the appropriation of funds in accordance with the laws of the State of New Jersey.
3. The purchase price plus closing costs shall not exceed \$85,000.00, plus \$20,000.00 for closing costs.
4. This ordinance shall take effect in accordance with law.

Committeeman O'Connor moved to introduce Ordinance 2003-008. Committeewoman Fair seconded the motion.

Committeeman Brower asked if this was the property that was going to be subdivided and was advised it was not. Committeeman Brower also wanted to know the appraised value on the tax records. Administrator Ciccarone advised he did not know the amount on the tax records, but that it had been appraised for \$85,000. Committeeman Brower wanted to know why the Township is purchasing a piece of property that would be taken off the tax roll and cannot be developed. Administrator Ciccarone said that is a policy decision made a long time ago with the adoption of the Open Space Plan and this property is part of it.

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

Public hearing will be scheduled for August 14, 2003.

### **ORDINANCE 2003-009**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MODIFYING WEIGHT LIMITS ON NOE AVENUE AND MOUNT VERNON 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 amend or add the weight limits on the following streets:

<b><u>Name of Street</u></b>	<i>Weight</i>	<i>Location</i>
Noe Avenue	4 tons	Entire length.
Mount Vernon 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 DeMeo said this ordinance was discussed at the previous meeting to add weight limits of four tons to Noe Avenue and Mount Vernon Avenue.

Committeeman Brower moved to introduce Ordinance 2003-009. Committeewoman Fair seconded the motion.

Committeeman O'Connor asked about the implementation of the ordinance and whether signs would be posted. Chief Goeckel advised that signs would be posted and officers would give warnings first. Committeeman Brower inquired about the speed limits on these roads in Madison and Summit. Chief Goeckel said the speed limit on Noe Avenue was 25 mph in Madison and Mt. Vernon might be 35 mph in Summit. The Chief was asked to look into this.

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

Public hearing will be scheduled for August 14, 2003.

#### **Consent Agenda**

Before voting on the Consent Agenda, Committeewoman Fair said she had not received a copy of the Developer's Agreement with Oak Knoll. Administrator Ciccarone advised the agreements had been reviewed and approved by Attorney Woodward. Committeeman Brower also thought he should review the material before voting on it. Committeeman O'Connor agreed that the Committee should review the agreement first. The Committee asked if this would hold up the Oak Knoll development if it was delayed until August 14, 2003 meeting. Administrator

Ciccarone responded he did not know. Committeeman Brower thought in this case this resolution should be left in the Consent Agenda so the development would not be delayed but the Committee should review future Developer's Agreements. Administrator Ciccarone said that in the past the Township Committee has approved the agreement based on the Attorney's recommendation. Following discussion, the Committee decided the resolution approving the Developer's Agreement would be pulled from the Consent Agenda.

**RESOLUTION 2003-150**

**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 June 2003, be acknowledged as received.

**RESOLUTION 2003-151**

**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>AMOUNT</u>
	<u>72000</u>	
Janet Benson 68 Spring Valley Road	38796	\$ 116.39
Janice Benson Jodi Lane	38791	\$ 351.59

**RESOLUTION 2003-152**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CERTIFYING REVIEW OF AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2002 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

- General Comments
- Recommendations

and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chatham hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### **RESOLUTION 2003-154**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING A PROFESSIONAL SERVICES CONTRACT FOR APPRAISAL SERVICES.**

**WHEREAS**, the Township of Chatham is in need of the services of a professional appraiser to perform appraisals in connection with the possible purchase of lands with public funds, and

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

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Achenbach & Associates LLC, 8 Country Lane, Montville, NJ for a sum not to exceed \$2,500 in accordance with a proposal submitted and on file in the Office of the Township Clerk.

#### **RESOLUTION 2003-155**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SETTING DUE DATE FOR TAXES**

**WHEREAS**, due to the delay in the certification of state aid figures which in turn delayed the certification of the tax rate by the County, the tax collector has recommended that the due date for the third quarter taxes be changed from August 1, 2003 to September 5, 2003;

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Chatham that September 5, 2003 be established as the date taxes are due for the third quarter.

Committeeman O'Connor moved to approve the Consent Agenda as amended.

Committeewoman Fair seconded the motion.

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

Mayor DeMeo advised one of the resolutions on the Consent Agenda extended the due date on third quarter taxes to September 5, 2003.

The Committee decided to hold Resolution 2003-153- Authorizing the execution of the Developer's Agreement for Oak Knoll Athletic Fields until the next meeting in August.

**Hearing of Citizens**

Mayor DeMeo opened the hearing of citizens. Hearing no one, Mayor DeMeo closed the hearing.

Committeeman Brower asked about the status of the Tree Ordinance revisions. Administrator Ciccarone advised it was not ready but a draft should be ready for discussion at the August work meeting.

Committeeman Brower also inquired about a letter that was distributed to the Committee concerning waiving or reducing Colony Pool membership fees for an individual and thought it was important to get input from the Colony Pool Advisory Committee. Administrator Ciccarone said the letter was a recommendation from the Local Assistance Director concerning membership fees for an individual who was on social security disability, even though the person was not a senior citizen. Committeeman Brower said social security disability did not guarantee that the person was living on a low income. The Administrator thought the recommendation would be discussed with next year's ordinance and there would be income criteria as well. Committeeman Brower thought it should not be decided on an individual basis, but it should be a policy decided on facts and merit.

**RESOLUTION 2003-P-14**

**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.

Committeewoman Fair moved to pass Resolution 2003-P-14 at 8:25 p.m. Committeeman O'Connor seconded the motion.

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

The Committee returned from Executive Session at 8:51 p.m. Committeewoman Fair moved to adjourn. Committeeman O'Connor seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk