

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
SEPTEMBER 11, 2003**

Mayor DeMeo called the workshop 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 asked everyone to observe a moment of silence on the second anniversary of the attacks of September 11, 2001 and to remember the victims lost and their families including those from the Chathams.

Mayor DeMeo led the flag salute.

Answering present to the roll call were Committeewoman Fair, Committeeman O'Connor, Deputy Mayor Hoag and Mayor DeMeo. Committeeman Brower arrived at 7:39 p.m.

Approval of Agenda

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

Reports

Deputy Mayor Hoag announced that due to technical problems, the GIS Presentation would be delayed to later in the meeting.

Committeewoman Fair distributed an article to the Committee members about how Princeton manages deer.

Mayor DeMeo thanked the newspapers for advertising that the Youth Resources Committee would be holding an orientation meeting on Tuesday, September 16, 2003 at 7:30 p.m.

Hearing of Citizens

Mayor DeMeo opened the hearing of citizens to the public.

1. Dr. Robert J. Burch, 17 Meyersville Road, brought up the petition letter that he had sent to the Township Committee. Dr. Burch explained that the plan approved by the Planning Board in April 2001 required Sycamore/Custom Living to install a retaining wall. When the wall was finally started in April 2003, Dr. Burch said he thought the location of the wall was in error to the approved plans. A letter was sent to the Planning Board and Marshall Frost, the engineer for the Planning Board, inspected the wall. Dr. Burch said that Mr. Frost was more concerned about the wall height to redirect the flow of water. Dr. Burch advised that a new plan was sent to Administrator Ciccarone asking that the Committee require Sycamore/Custom Living to put the wall in now and if they refuse to do so to use the performance guarantee to pay for the wall. Administrator Ciccarone advised Marshall Frost is working on this and litigation is still pending. Dr. Burch thought Mr. Frost was now reversing his approval of the wall design in 2001 and that he does not have the authority to reverse his approval and to ask Sycamore to redesign a wall. Dr. Burch requested a response in the near future from the Township Committee.
2. Dan Miller, Green Village Road, was concerned about a homeowner in Green Village who was given an open burning permit for an entire week and thought it was very unsafe that he was allowed to be doing this between two homes. Mr. Miller advised that he had filed a complaint with the Police and the Police said the normal procedure is that the fire official checks with the neighbors. Mr. Miller said that he thought the State and not the Township generally issue these permits. He also said neighbors were not contacted and thought that a letter of apology should be sent to a neighbor who is on a respirator. Administrator Ciccarone said he was aware that the fire official had issued a permit for

open burning and he would check whether the permit was issued properly. The Mayor thought it should be looked into whether open burning should be allowed. Committeeman Brower suggested that if an individual receives an open burning permit, a fireman could be on sight while the burning is taking place. Administrator Ciccarone thought there was a requirement that it be attended at all times, but will check on the facts.

3. Peter Hofmann, 82 May Drive, spoke about the limited number of handicapped parking spaces at Shop Rite and that carts are often left in those designated spaces. Mr. Hofmann thought a better system at Shop Rite would be to have attendants near the door where carts would be left so a person could drive up for the groceries and therefore carts would not be left in those spaces.

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

Introduction of Ordinances

ORDINANCE 2003-010

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING RULES AND PROCEDURES FOR THE OPERATION OF THE SKATEPARK

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that rules and procedures are established for the operation of the Skatepark to be located on Southern Boulevard as follows:

1. Hours of Operation. Daily from 9:00 am until 15 minutes after sunset. The park will be closed during wet, snow or icy conditions or during park maintenance periods. The Township reserves the right to close the skate park if it determines that any other condition renders the skate park unsafe for use.

2. Rules.

- a. Minimum age for use – 7 years.
- b. The park may be used by skateboards and in-line skates only.
- c. All bicycles, scooters and motorized vehicles of any kind are prohibited.
- d. Helmets are required for skaters and spectators within the park. Kneepads, elbow pads and wrist guards are recommended.
- e. Personal ramps, rails, boxes or other apparatus are prohibited.
- f. No food or beverages are allowed inside the Skate Park. All litter shall be deposited in the receptacles provided.
- g. Smoking, use of drugs, alcohol, profanity or abusive language or vandalism is strictly prohibited and shall result in automatic and/or permanent expulsion from this facility.
- h. Use of radios, stereos or any type of amplified sound is prohibited.
- i. Each user of the skate park shall have in his/her possession at all times during use of the skate park identification that includes name, address, and telephone number.
- j. Violation of these rules may result in expulsion from this facility and revocation of any privileges for its use.

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

Committeeman O'Connor explained that this ordinance addresses the hours of operation and the rules and read through some of them. Committeeman O'Connor advised that these rules are based on experience from other skateboard facilities in other towns. Committeeman O'Connor said this is the best attempt of the Committee at this time for the operational guidelines of the Skate Park, but that the rules may be subject to modification in the future. Committeeman Brower asked if in-line skaters would bring in hockey sticks and suggested that hockey sticks should be prohibited. Suzanne Bonamo, Chatham Township resident, advised the facility is not appropriate for hockey sticks because there is not enough open flat space. Committeeman Brower also questioned why wrist guards are recommended and not required for safety reasons. Mrs. Bonamo said younger children wear the wrist guards much more willingly, but older children have learned how to fall appropriately and roll and to enforce that safety rule would be

difficult. Mary Carnes, Chatham Borough resident, added that there is debate amongst medical professionals whether wrist guards limit mobility and whether or not they are beneficial. Committeeman Brower asked who is going to check identification. Committeewoman Fair said that she thought identification was primarily for injuries and identifying troublemakers. Committeeman Brower was concerned about the enforcement since children can come in from anywhere and asked how a parent or child would be able to identify a troublemaker. Committeeman Brower thought it would be best to have a number on the helmet and to limit the use of the skatepark to the residents of our town. Committeeman Brower stated that he did not feel the rules were comprehensive enough. Committeeman O'Connor repeated that this was the best attempt for usable rules that may need to be modified in the future.

Committeeman O'Connor moved to introduce Ordinance 2003-010. Committeewoman Fair seconded the motion.

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

Public hearing will be scheduled for September 25, 2003.

ORDINANCE 2003-011

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING POLICE REGULATIONS RELATING TO DEER HUNTING

WHEREAS, because the continued growth of the deer population, the increase in deer/car accidents and other deer-related damage and illness have caused a need to take stronger measures to control the deer population; and

WHEREAS, bow hunting for deer can facilitate such control;

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

1. Section 3-6, Hunting, Firearms and Other Weapons, of the Revised General Ordinances of the Township of Chatham is hereby amended to add subsection 3-6.3.f., as follows:

f. Deer hunting with bow and arrow, subject to the following safety standards and conditions:

1. Any person proposing to engage in deer hunting within the borders of the Township of Chatham shall first obtain a permit from the Police Department of the Township of Chatham.

2. Permits shall only be issued to individuals possessing a valid New Jersey State deer bow hunting permit, and shall be limited to no more than twenty (20) permits per day.

3. Bow hunting may take place from tree stands only.

4. Bow hunting may not take place on properties within the R-3, R-4, R-5 R-6A and R-6B Residential Districts as described on the Zone Map of the township of Chatham, nor where permission has not been obtained from the property owner.

5. For any bow hunter who shall use a motor vehicle to access a permitted hunting area, such hunter shall display during hunting on such motor vehicle, when parked, a copy of the Township permit or such other placard or notice as may be provided by the police department.

6. All laws, rules and regulations regarding hunting now or as may be adopted by the State of New Jersey apply and are incorporated herein.

2. This Ordinance shall take effect in accordance with law.

Committeewoman Fair advised the Township has allowed bow and arrow hunting from tree stands only for the past two years. This ordinance would increase the number of qualified hunters. The hunters would still need to obtain a permit from the Police Department, but the Police would be able to limit the number of hunters per day. Committeewoman Fair also said bow hunting is not allowed in the ½ or ¼ acre zones and hunter's vehicles must be identified. The Committee reviewed the ordinance and recommended that #2 include "and shall be limited

to no more than 20 permits per day” and that #4 include “nor where permission has not been obtained from the property owner.”

Deputy Mayor Hoag moved to introduce Ordinance 2003-011. Committeewoman Fair seconded the motion.

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

Public hearing will be scheduled for October 9, 2003.

ORDINANCE 2003-012

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MODIFYING PENALTIES FOR ILLEGAL PARKING IN HANDICAPPED PARKING SPACES

WHEREAS, with adoption of P.L. 2003, c. 161, the State of New Jersey has increased the fines in cases of conviction of for illegal parking in handicapped parking spaces from \$100.00 to \$250.00 for first offenses and for subsequent offenses to at least \$250.00; and

WHEREAS, it is necessary to amend Section 7-60.3e, Penalties, to conform to State law;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that

1. The Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter VII, Section 7-60.3e, Penalties, to read as follows:

e. *Penalties.* Any person parking a motor vehicle in a parking space set aside and reserved for the vehicles of handicapped persons in violation of the provisions of this section shall be liable to a fine of two hundred fifty (\$250.00) dollars for the first offense and, for subsequent offenses, a fine of at least two hundred fifty (\$250.00) dollars and up to ninety (90) days community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

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

Attorney Woodward advised that the purpose of this ordinance was to make our ordinance consistent with recently adopted amendment of state law.

Deputy Mayor Hoag moved to introduce Ordinance 2003-012. Committeeman O’Connor seconded the motion.

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

Public hearing will be scheduled for September 25, 2003.

Consent Agenda

Mayor DeMeo pulled Resolution 2003-175 from the Consent Agenda and read the resolution in its entirety.

RESOLUTION 2003-175

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR FURNISHING, DELIVERY AND INSTALLATION OF SKATE PARK EQUIPMENT.

WHEREAS, the Township Committee of the Township of Chatham has received bids for **FURNISHING, DELIVERY AND INSTALLATION OF SKATE PARK EQUIPMENT** and,

WHEREAS, “Certification of Availability of Funds” is annexed hereto:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on this day, September 11, 2003 that:

1) contract for: **FURNISHING, DELIVERY AND INSTALLATION OF SKATE PARK EQUIPMENT** is hereby awarded to:

TrueRide Inc.

Duluth, Mn. 55804

On their low bid of \$98,740.57

2) The exact title of the appropriation to be charged is: Current Fund – Construction of Skate Park.

3) This Resolution shall take effect immediately.

Administrator Ciccarone said there were two bidders on the project and that he expects that they will build an outstanding facility. The Administrator thought it would be constructed by Thanksgiving.

Deputy Mayor Hoag moved to adopt Resolution 2003-175. Committeeman O'Connor seconded the motion.

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

Committeeman Brower said he received this resolution tonight and was annoyed that he had not been able to review the resolution or bid ahead of time. Administrator Ciccarone said the original bid date was a couple of weeks ago, but due to a bid addendum, the bid date changed and were received yesterday at 10:00 a.m.

Before voting on the remaining Consent Agenda, Resolution 2003-166, Resolution 2003-167, and Resolution 2003-169 were pulled for further discussion.

RESOLUTION 2003-168

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 11 MOUNTAINSIDE DRIVE

WHEREAS, the Land Use Administrator has certified that all application requirements for 11 Mountainside Drive, Block 7, Lot 1 including the payment of all administrative fees, have been met and that sewer capacity is available.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it, hereby, approves the issuance of a sanitary sewer permit for 11 Mountainside Drive.

RESOLUTION 2003-170

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR THE AMERICAN RED CROSS, SOUTHEAST MORRIS CHAPTER

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by the American Red Cross, Southeast Morris Chapter to be held at the Fairmount Country Club in Chatham, on October 13, 2003 are hereby approved.

RESOLUTION 2003-171

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE HIRING OF CATHERINE ROME AS A POLICE DISPATCHER

BE IT RESOLVED by the Township Committee of the Township of Chatham that Catherine Rome is hereby appointed civilian dispatcher effective September 1, 2003, at an annual pro-rated salary of \$ 24,000.00.

RESOLUTION 2003-172

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CORPUS CHRISTI CHURCH

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted at 234 Southern Boulevard, Chatham, by Corpus Christi Church on November 23, 2003, are hereby approved.

RESOLUTION 2003-173

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

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
64.03	2.10	Joseph & Jane Cunningham 7B Vernon Lane	\$ 445.30
48.08	7	Joseph & Jean Carpino 84 Glenmere Drive	\$ 250.00
48.2	20	Andrew & Linda Patten 26 Runnymede Road	\$ 2,213.75
48.01	30	Margaret Whitfield 2 Willow Way	\$ 1,833.35
85	33	Bank of American c/o Home Focus 6053 S. Fashion Square Drive, #200 Murray, UT 84107 Attn: refunds – NJ Tax Department Property: 12 Pine Street	\$ 1,994.99
62.03	9	Molesphini, Albert and Faye 535 Fairmount Avenue	\$ 2,040.78

RESOLUTION 2003-174

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SALE OF SERVICE WEAPON TO RETIRING POLICE OFFICER STEPHEN F. CLARK

WHEREAS, Stephen F. Clark has announced his retirement from the Police Department of the Township of Chatham, County of Morris, State of New Jersey, and

WHEREAS, Stephen F. Clark has requested his service weapon upon retirement, namely a Smith & Wesson Model 4566T, Serial Number VJH 0112.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Stephen F. Clark is hereby authorized to purchase the Smith & Wesson Model 4566T, Serial Number VJH 0112 for the sum of one dollar (\$1.00) payable to the Township of Chatham, provided, however that Stephen F. Clark shall first produce proof of all required licenses and permits for possession of the said weapon.

RESOLUTION 2003-176

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE SYCAMORE HILL SUBDIVISION

WHEREAS, the Planning Board has granted preliminary and final subdivision approval for a development known as Sycamore Hill adjacent to Meyersville Road; and

WHEREAS, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

WHEREAS, as set forth by Marshall Frost, P.E. in his report dated September 10, 2003, the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$97,990.56, consisting of \$88,191.50 in surety and \$9,799.06 in cash, which covers the remaining work described by the engineer's report;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the report of Marshall Frost, P.E., dated September 10, 2003, to the amount of \$97,990.56, consisting of \$88,191.50 in surety and \$9,799.06, and that release of the performance guaranty in excess of that amount is hereby authorized, provided that the surety in the amount of \$5,400.00 posted for the installation of monuments shall remain in effect, and further provided that no relief granted herein shall be construed to relieve the developer from the obligation, once all work is completed and accepted, to post a maintenance guaranty in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

Deputy Mayor Hoag moved to approve the Consent Agenda as amended. Committeewoman Fair seconded the motion.

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

RESOLUTION 2003-166

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES, AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$580,227.59 and the prior month's payroll of \$385,641.39 Current Fund, \$39,292.28 Sewer No. 1, \$8,766.15 Sewer No. 2, and \$14,363.52 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of September 2003, in the amount of \$1,588,359.00 be paid.

Committeeman Brower noted the following bills:

Hatch Mott MacDonald - \$13,193.34
Hatch Mott MacDonald- \$4,142.50
Hatch Mott MacDonald- \$270.00
Marshall Frost- \$630.00

Committeeman Brower also asked for more detailed information about the Colony Club operation than what he had received.

Deputy Mayor Hoag moved to pass Resolution 2003-166. Committeewoman Fair seconded the motion.

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

Reports

Deputy Mayor Hoag introduced Michael Malloy, Chatham Township resident and student at Rutgers, who has been working on the Township's GIS system over the summer.

GIS Presentation- Michael Malloy explained that the Geographic Information Systems (GIS) used in the Township is top of the line and is primarily used for utilities and capital investments. Michael explained that GIS is a system of unique layers and a tool for policy making. The information for the layers comes from the Federal Government, the State of New Jersey, Morris County and Chatham Township. Michael also talked about the Global Positioning System (GPS) unit that was used over the summer to map the Township's storm water system. Michael advised that GIS has also been used in the Township for 200-foot searches, numerous land use projects and septic system projects. Possible future GIS uses include the GPS of all fire hydrants, mapping of traffic accident locations, and sanitary sewer systems. Administrator Ciccarone advised that the Township has the best technology due to grants from the State of New Jersey and the Hyde Watson Foundation. Deputy Mayor Hoag also advised the web site will be developed to provide employees the ability to go into GIS to produce similar mapping and that the Township hopes to have this available to all residents next year. Committeeman Brower said he was very concerned about how this information could be used or abused in the future. Deputy Mayor Hoag advised the Township has decided not to put tax information on the Township web site, but it is available at the County level. The Committee thanked Michael Malloy for his presentation.

Following the GIS presentation, Mayor DeMeo returned to the resolutions on the Consent Agenda.

RESOLUTION 2003-167

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 July 2003, be acknowledged as received.

Committeeman Brower inquired about how overtime for Public Works Department is listed in the report. Public Works Manager Joe Smith said the only overtime on the report is at the water pollution control plants. Joe Smith also explained other circumstances when there might be overtime.

Committeewoman Fair moved to pass Resolution 2003-167. Deputy Mayor Hoag seconded the motion.

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

RESOLUTION 2003-169

**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>
	72000	
Murray, Robert Administrator Estate of Medina 23 Loantaka Lane South	39001	\$ 692.59
Doreen Gillette Cachet Gifts 650 Shunpike Road	39008	\$ 791.25
Richard Berger 5 Wickham Way	38976	\$ 120.00

Committeeman Brower inquired about the refund to Doreen Gillette and how much money she had put up initially. Administrator Ciccarone said he thought the initial deposit was about \$1000 for the Planning Board to review the application for shared space at Cachet Gift Store for a liquor license since it would be a change in use. Committeeman Brower commented that he thought new procedures were being followed.

Committeewoman Fair moved to pass Resolution 2003-169. Committeeman O'Connor seconded the motion.

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

Discussion: possible ordinance or resolution

1. Draft of Snow & Ice Removal Ordinance- Attorney Woodward advised that he had reviewed the Township's draft of the snow and ice removal ordinance as well as similar ordinances adopted by Chatham Borough and New Providence. Attorney Woodward advised he had made some minor changes adding the word "occupant" and adding two specific circumstances to which this applies: (1) referring to commercial properties and (2) for all other properties. Committeeman O'Connor suggested creating a separate paragraph for commercial properties. Committeeman Brower inquired about the penalties involved. Attorney Woodward advised that under the general penalties for violation of an ordinance, the fine should not exceed \$1000 or community service not to exceed 90 days. Committeeman Brower thought the ordinance should be flexible under certain circumstances and gave some examples of exceptions that may need to be built into the ordinance. Committeeman Brower thought the ordinance should say that in an emergency situation, the time limit will not be held. Committeewoman Fair thought that there could be reference to excluding certain ordinances during times of emergency. Committeeman Brower said that he would like to see a reasonable ordinance with exclusions put in it. Administrator Ciccarone said another concern is that a homeowner

may comply with the ordinance and remove the snow and then it gets plowed over again. Mayor DeMeo explained that ordinance was being discussed and possibly introduced for public safety reasons and hoped that this ordinance would encourage the quick removal of snow. Committeewoman Fair thought the town could maintain a list of organizations that would help with shoveling. Attorney Woodward expressed concerns about ice forming after shoveling and heavier snow and that some sidewalks are less than 3 feet from the street. The Committee was concerned about public safety issues and the area around the schools. Attorney Woodward advised that commercial properties are already required to remove the snow from sidewalks. Committeewoman Fair suggested the Township might want to look into getting the sidewalk farther into the right of way. Following discussion, Deputy Mayor Hoag suggested modifying the ordinance to create separate paragraphs, one for commercial and one for residential properties. The Committee asked Attorney Woodward to make the changes discussed for introduction on September 25, 2003.

2. Peddler's/Solicitor's Ordinance – Administrator Ciccarone advised the Committee that an individual had received a peddler's permit and had set up a Mobile Hot Dog Cart at Castle Park. Upon review of the Township's code, the ordinance prohibits operating from a stationary location. The Administrator thought the Township Committee may want to better define "stationary" in the ordinance since another application may be submitted for a hot dog stand at the Skate Park. Administrator Ciccarone explained that some towns do not allow any type of vendors on public property. Other towns designate certain locations that are put out to bid. Administrator Ciccarone suggested that the Committee would need to establish rules to rotate the spots or to prohibit it. The Administrator recommended that they prohibit it. The Committee also discussed ice cream trucks as well. The Administrator used Colony Pool as an example and said they could prohibit peddlers from operating within a certain distance of a business facility. The Township Committee agreed that Attorney Woodward should draft an ordinance for the next meeting.
3. Vietnam War Veterans Ceremony- Administrator Ciccarone advised that the County Freeholders could attend the Vietnam War Veterans Ceremony to be held jointly with Chatham Borough on Sunday, November 9, 2003 at 4:30 p.m. Deputy Mayor Hoag said in the past all the recipients sat on the stage facing the audience. Since the high school is having a play around that time and limited stage space is available, Deputy Mayor Hoag said she talked with the Chatham Middle School about using their auditorium and that date is available for the ceremony to be held there. The Committee discussed where to have the reception and although the cafeteria is far from the auditorium, the Committee thought a reception in the cafeteria would be nicer. The Committee directed Mrs. Wiley to look into the Chatham Middle School and cafeteria.
4. Sewer Rates- Administrator Ciccarone distributed sheets to the Committee about WPC I and WPC II. The sheets provided actual and estimated budget projections from 1999 to 2007. The Administrator said that he had worked with the auditor on these figures and tried to project the budget for WPC I based on sewer rents, commercial rents and miscellaneous revenue including connection fees. WPC I will have increases in miscellaneous revenue in the next few years, and increases in rents due to the flow. The Administrator also advised that the \$210,000 revenue received from Reckson would disappear in 2007. The Committee also reviewed the second sheet showing the surplus projections for WPC I for the same time period. In order to maintain a surplus around \$700,000, a rate adjustment would be needed beginning around 2004. Administrator Ciccarone recommended a \$30 increase in each of the three years as follows: 2004- Increase from \$499 to \$530, 2005- Increase from \$530 to \$560, 2006- Increase from \$560 to \$590. The Administrator explained that these are minimums and that they do not know the TDS numbers with regard to future debt. Administrator Ciccarone also clarified that these numbers are projecting the present debt and not any new debt. The Administrator said the Committee could determine the amount of surplus that they wish to maintain, but improvements to the plant may be needed and there could be emergency repairs and thought the present level was a prudent course. The Committee asked about lowering the fund balance and getting rid of some of the debt. The Township Committee asked Administrator Ciccarone to run some additional scenarios if for example the fund balance went down to \$500,000. With regard to WPC II, the Administrator advised there is no surplus and that this is a pay as you go budget. The present rate for WPC II is \$328. Administrator Ciccarone advised that the secondary clarifier project that has not been constructed yet, but the debt service numbers do reflect that cost of approximately

\$750,000. The Administrator recommended that it would need to be increased to \$425 since the rate has been held for 4 or 5 years, and there will be a deficit if it not increased. Administrator Ciccarone advised that with the increase, there still would not be a fund balance. Committeeman Brower thought smaller increases over several years would be better than a larger increase in one year and suggested reviewing the figures on a yearly basis in the future. Committeewoman Fair also thought the Township may need to revisit the sewer service area for that plant. Administrator Ciccarone will work on calculating different rates and report back for discussion at the next meeting.

Hearing of Citizens

Mayor DeMeo opened the second hearing of citizens.

1. Peter Hofmann, 82 May Drive, asked what is the percentage of total assessed values of properties in the Township that are sewered versus non sewered. Mr. Hofmann questioned whether we are penalizing most taxpayers with regard to tax deductions by not sewerage the whole entire town. With regard to snow and ice removal, Mr. Hofmann questioned why the town would demand that property owners clean sidewalks that are located in the municipal right of way. Attorney Woodward advised that homeowners benefit because sidewalks add value to the property and that state law allows it. Committeeman Brower suggested identifying the high-risk areas in town that would require snow and ice removal and then having private companies do the snow removal.

Mayor DeMeo closed the hearing of citizens.

Committeeman Brower asked about the authorization for the newsletter and where the money came from. The Administrator advised it came out of General Administration. The Committee said initially there would be two newsletters and then the Committee would decide whether they want to continue it. Committeeman Brower brought up garbage collection and if many residents would prefer the tax deduction. Attorney Woodward said New Providence contracts out the garbage collection. However, garbage collection is only once a week and it is in the tax bill. Attorney Woodward said if the municipality does the collection, it could be a tax deduction. However, in Superfund cases, it is advantageous for the town not to be collecting the garbage.

Executive Session

RESOLUTION 2003-P-16

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.

Deputy Mayor Hoag moved to pass Resolution 2003-P-16 at 10:16 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, Aye.

The Committee returned from Executive Session at 10:29 p.m.

Committeeman Brower inquired about advance notice for the Mt. Vernon Ave. Bridge Meeting. The Administrator responded this was a presentation by the County to the residents and that the meeting will be advertised as a County meeting. Administrator Ciccarone said he had no idea when it would be, but Engineer Michael Bennett is dealing with the County. Committeeman Brower said he thought Summit should be included and that all people are given adequate notice. Mayor DeMeo reiterated that the County would be holding the meeting.

Deputy Mayor Hoag moved to adjourn at 10:37 p.m. Committeeman Brower seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk