

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
JANUARY 17, 2008**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:41 PM.

**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 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Mayor Tubbs led the flag salute.

**Roll Call**

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Committeewoman Hagner, and Mayor Tubbs. Deputy Mayor Brower arrived shortly after roll call.

**Approval of Agenda**

Mayor Tubbs said that Resolution 2008-039 would be removed from the Consent Agenda for a separate vote. Committeewoman Hagner suggested that discussion of the Swamp Loop bicycle trail be removed from the agenda, and be discussed at a future meeting.

Committeeman O'Connor moved to approve the agenda as amended. Committeeman Gallop seconded the motion, and it carried unanimously.

**Special Recognition/Awards**

Mayor Tubbs welcomed the Chatham High School girls' volleyball team, and commended them on winning the Conference, County, and State Volleyball Championships. He also cited several individual accomplishments, and Certificates of Achievement were presented to each player.

**Reports**

Committeewoman Hagner reported that the Chatham Joint Recreation Advisory Committee has elected Mark Devlin as their chairperson and Sue Tracey as vice-chairperson. Furthermore, Chatham Borough has appointed two new representatives to the Recreation Committee to replace two out-going members. The Recreation Committee has begun discussing the possibility of creating a recreation master plan, as well as having third-party evaluators for sports tryouts. Background checks are moving forward, and both police departments will conduct the fingerprinting. A meeting was held with the Castle Park Committee, and they are looking into having an opening day ceremony once the new structure has been installed. Deputy Mayor Brower said that he does not have anything to report regarding deer hunting. Committeeman O'Connor reported that he attended that Board of Education's January 7, 2008 meeting, at which they presented their proposed budget for the 2008-2009 school year. The Board of Education also discussed the proposed installation of lights at Cougar Field, and they might vote on that issue at their next meeting on January 22, 2008. Committeeman O'Connor also reported that the Environmental Commission has been discussing whether or not the Township's recycling ordinance is up to date with the new standards set by the State. Deputy Mayor Brower cited the 2005 Morris County Recycling Rates by Municipality, and indicated that Chatham Township had the second highest tonnage and recycling rate. Deputy Mayor Brower also asked about the Clean Communities Grants program. Administrator Ciccarone explained that the Clean Communities Grants are separate from the recycling program, and they are used for various purposes related to keeping the municipality clean. Committeeman Gallop gave a report regarding the Swamp Loop bicycle route. He explained that this project would involve signs being posted along a route that is already used by bicyclists, and would encompass parts of Chatham Township, Long Hill Township, and Harding Township. Long Hill Township has

approved the project, however Harding Township has indicated that they are not interested in participating. Administrator Ciccarone likened this proposal to the bicycle lanes and “Share the Road” signs that are already in use in Madison. Deputy Mayor Brower suggested asking the County to widen the area adjacent to the Green Village Post Office to allow for additional parking for bicyclists. He also raised concerns about liability. Administrator Ciccarone said that the roads in question are county roads, and the bicyclists already have a right to ride on them. Committeeman Gallop also reported that the Open Space Committee has applied for a grant for two possible bike paths, one on the paper street between Rose Terrace and Chatham Street, and the second running from Southern Boulevard to Spring Street on the Township’s right-of-way near the Southern Boulevard Firehouse. Mayor Tubbs pointed out that improvements may be made to the Southern Boulevard Firehouse, and it may be wise to tie the two projects together. Mayor Tubbs reported that neither the Colony Pool Committee nor the Joint Library Board of Trustees have met. However, he did attend the Mayor’s Legislative Briefing, at which Governor Corzine reported on the financial situation of the State. Mayor Tubbs also reported that he, Engineer Ruschke, and Chatham Borough’s Mayor Vaughn had a conference call with the DEP’s Local Community Assistance Group regarding Shunpike Field. Although the process is moving slowly, Mayor Tubbs was pleased that progress is being made with the DEP. Mayor Tubbs also addressed the Community Forestry Plan, and said that it would be discussed with the Tree Protection Committee. Mayor Tubbs also said that the Public Safety Committee met and discussed the accreditation program. Furthermore, Mayor Tubbs said that the initial meeting of the 9/11 Memorial Committee has been held. Administrator Ciccarone reported that he met with Attorney Woodward, Township Planner Frank Banisch, and Planning Board Attorney William Robertson to review the new COAH rules. Administrator Ciccarone said that the Planning Board will develop comments on the proposed rules, and he also summarized how the changes to the rules would affect Chatham Township. Deputy Mayor Brower suggested that Fairmount Country Club be rezoned from residential use to recreational use so that it does not create development issues in the future if the country club was to ever close down. Administrator Ciccarone added that Fairmount Country Club has offered to donate a radar sign to the Township Police Department, and the proper authorization documentation will be prepared for the next meeting. Administrator Ciccarone also reported that the 2008 budget would be discussed at the February 14, 2008 meeting.

**Hearing of Citizens**

Mayor Tubbs opened the Hearing of Citizens.

1. Peter Hofmann, May Drive resident, said that he is pleased to hear that work will be started on a 9/11 Monument. He said that he would like to see work completed by September 11, 2008. Mayor Tubbs said that he is sensitive to the timing, and wants to take the time necessary for the construction of a monument that the Township can be proud of while still getting it done as soon as possible. Mr. Hofmann also agreed with Deputy Mayor Brower’s suggestion that Fairmount Country Club be rezoned for recreational use.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

**Consent Agenda**

**RESOLUTION 2008-032**

**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 \$681,039.30 and the prior month’s payroll of \$427,521.44 Current Fund, \$41,932.21 Sewer No. 1, \$8,074.56 Sewer No. 2, and \$16,090.39 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of January 2008, in the amount of \$2,140,475.14 be paid.

**RESOLUTION 2008-033**



<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Chatham Township PBA Local 170	April 26, 2008	Corpus Christi Church 234 Southern Boulevard Chatham, NJ 07928

**RESOLUTION 2008-038**

**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>
Michael Meyler 4 Hampton Road Chatham, NJ 07928	7760011165	\$355.00

Re: Block 48.06 Lot 1

Cingular Wireless/AT&T ATTN: Maureen (Edwards) Harvey P.O. Box 97061 Redmond, WA 98073-9761	7200038982	\$3492.00
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RE: BOA 02-62-105

Cingular Wireless/AT&T ATTN: Maureen (Edwards) Harvey P.O. Box 97061 Redmond, WA 98073-9761	7200038833	\$158.00
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RE: 245 Green Village Road  
Block 135 Lot 28

Deputy Mayor Brower moved to adopt the Consent Agenda. Committeewoman Hagner seconded the motion.

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

**RESOLUTION 2008-039**

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

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
County 27	Judgement 22	Robert & Karen Lee Gallop 54 Susan Drive Chatham, NJ 07928	\$192.00

Committeeman O'Connor moved to adopt Resolution 2008-039. Committeewoman Hagner seconded the motion.

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

**Discussion**

Amending Ordinance Regulating the Private Employment of Off-Duty Police Personnel

Administrator Ciccarone explained that off-duty police officers engage in third-party services for the private sector, and the current fee ordinance allows for the private organizations to be charged a fee based on the rate at which the officers are currently paid, plus an administrative fee. As the administrative fee has not been adjusted in approximately 20 years, Administrator Ciccarone suggested that the fee be raised from \$4 per hour to \$6 per hour. Committeeman Gallop asked if the increase in the administrative fee would cover the costs associated with the third-party employment. Deputy Mayor Brower pointed out that the services benefit the entire community, and that charging too much would be self-defeating. Mayor Tubbs asked if there could be a dual fee structure, whereby for-profit organizations would pay a higher fee than non-profit organizations. Attorney Woodward said that it might be possible and he will research the matter, but it also might be simpler to charge all organizations the same fee. Administrator Ciccarone suggested that the fee be raised to \$6 per hour, and that the actual costs be tracked over the next year to see if the \$6 per hour is an adequate fee. He also suggested distinguishing between those jobs where a vehicle is used and those where a vehicle is not used, as gasoline is one of the costs covered by the administrative fee.

Recycling Management Plan

Deputy Mayor Brower asked about a report indicating that the County was going to send out enforcement agents to make sure that businesses and residents are recycling. Public Works Director Joseph Barilla indicated that the County would not be the enforcement agency, but that they want the municipalities to have their own enforcement officer over multi-family dwellings.

Schedule for Board Reports

Mayor Tubbs reminded the Township Committee that in the past few years, all of the boards and committees have made Annual Report presentations to the Township Committee. As the reports would be spread over two or three meetings, Mayor Tubbs said that he would like to see them begin at one of the February meetings. He would also like to have a representative of the Ten Towns present a report to the Township Committee this year. Deputy Mayor Brower said that he'd like to see the reports televised if possible. Administrator Ciccarone said that representatives from Patriot Media came to the Municipal Building to assess how they will wire the building for a live feed, but it is not yet known when the Township would have the capacity to televise the meetings.

Appointment of Labor Counsel

Mayor Tubbs advised candidates for labor counsel would be discussed in Executive Session.

Mutual Aid and Interlocal Service Agreements

**ORDINANCE 2008-01**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING MUTUAL AID AGREEMENTS AND INTERLOCAL SERVICE AGREEMENTS BETWEEN THE TOWNSHIP POLICE DEPARTMENT AND NEIGHBORING POLICE DEPARTMENTS**

**WHEREAS**, N.J.S.A. 40A:14-156.1 provides that the governing bodies of two or more municipalities may by reciprocal ordinances enter into agreements with each other for mutual police or fire aid in case of emergency; and

**WHEREAS**, N.J.S.A. 40:8A-1 et seq. provides that the governing bodies of two or more municipalities may by resolution enter into interlocal service agreements; and

**WHEREAS**, The Chief of the Chatham Township Police Department desires to enter into such agreements with surrounding police departments; and

**WHEREAS**, the Chatham Township Police Department and most other police departments have contractual provisions with their officers permitting off-duty employment, including but not limited to construction traffic duty, for third parties when such work is provided through the police department and the officer is paid by the third party; and

**WHEREAS**, there may be times when there are no local officers available to perform off-duty traffic duty for third parties;

**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 Mayor and Township Clerk are hereby authorized to execute the mutual aid agreements with Chatham Borough, City of Summit, Madison Borough, Borough of New Providence, Township of Berkeley Heights, Town of Morristown, Morris Township, Long Hill Township, Harding Township, Warren Township, and Bernards Township, copies of which are attached hereto and incorporated herein by reference.

2. The Mayor and Township Clerk are hereby authorized to execute the police interlocal service agreements with Chatham Borough, City of Summit, Madison Borough, Borough of New Providence, Township of Berkeley Heights, Town of Morristown, Morris Township, Long Hill Township, Harding Township, Warren Township, and Bernards Township, copies of which are attached hereto and incorporated herein by reference.

3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

4. In case any part of the ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other part of this ordinance except insofar as the part declared invalid shall be inseparable from the remainder of any other part thereof.

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

Administrator Ciccarone explained that back in October, an ordinance was adopted to authorize the execution of mutual aid and interlocal service agreements with various municipalities. Three of the municipalities that should have been included in the ordinance were not, and therefore an amending ordinance is necessary.

Deputy Mayor Brower moved to introduce Ordinance 2008-01. Committeewoman Hagner seconded the motion.

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

Public Hearing for Ordinance 2008-01 will be scheduled for February 14, 2008.

#### Soil Erosion & Sediment Control Ordinance

Attorney Woodward reported that a revised soil erosion and sediment control ordinance had been submitted to the DEP, and the Township has now received comments back from the DEP. The ordinance will be revised accordingly and should be ready for introduction at the February 14, 2008 meeting.

#### Hearing of Citizens

Mayor Tubbs opened the Hearing of Citizens.

1. Peter Hofmann, May Drive resident, suggested that the public be allowed to make comments when the various boards and commissions give their reports to the Township Committee. In regard to the 9/11 Memorial, Mr. Hofmann suggested that the Township Committee not consider Woodland Park as a potential site.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

**Executive Session**

**RESOLUTION 2008-P-02**

**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 Brower moved to adopt Resolution 2008-P-02 to go into Executive Session for personnel matters and potential litigation at 9:16 P.M. Committeeman O'Connor seconded the motion.

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

The Township Committee returned from Executive Session at 12:02 A.M.

**RESOLUTION 2008-040**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE PROMOTION OF FRED LEE TO THE POSITION OF FOREMAN IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Joseph Barilla, Director of Chatham Township Department Public Works has recommended the promotion of Fred Lee to the position of Foreman and the Township Administrator concurs with that recommendation, and

**WHEREAS**, Fred Lee has the qualifications to fill the position and has satisfied all of the requirements for promotion,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee hereby approves the promotion of Fred Lee to the position of Foreman effective January 16, 2008 with compensation as set forth in the Collective Bargaining Agreement in effect between the Township of Chatham and Teamsters Local No. 469.

This Resolution shall take effect immediately.

Committeeman O'Connor moved to adopt Resolution 2008-040. Deputy Mayor Brower seconded the motion.

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

Deputy Mayor Brower moved to adjourn at 12:03 A.M. Committeeman Gallop seconded the motion, and it carried unanimously.

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Joy Wiley  
Municipal Clerk