

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JANUARY 22, 2009**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:40 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 8, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2009; and notice was filed with the Township Clerk on January 8, 2009.

Mayor Tubbs led the flag salute.

Roll Call

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

Approval of Agenda

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

Executive Session

RESOLUTION 2009-P-01

**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

Legal Issues

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 Gallop moved to adopt Resolution 2009-P-01 to go into Executive Session at 7:42 P.M. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

The Township Committee returned from Executive Session at 8:15 P.M.

Reports

Committeeman Gallop reported that the Recreation Committee discussed goals for the upcoming year. Mayor Tubbs reported that the Colony Pool Advisory Committee discussed fees for 2009. They advise that the general membership fees not be raised this year, and that guest and nanny fees be raised instead. Committeeman Gallop said that he would not favor raising any fees. Committeeman O'Connor said he wants to make sure that the pool is maintained. Mayor Tubbs said that there is a building at the site that is in disrepair, and the paddle tennis courts need some maintenance work. Mayor Tubbs also reported that the Board of Health has met, however he was unable to attend the meeting. Administrator Ciccarone reported that budget deadlines have been extended. Engineer Ruschke reported that the Shunpike Field permit application has been

completed. Engineer Ruschke has been in touch with Township Planner Frank Banisch regarding the Safe Routes to School plan, and Mr. Banisch will be submitting a proposal on the scope of work. Furthermore, bids will be received for a backup generator at DPW on January 27, 2009. Engineer Ruschke also reported that the NJDEP is using the stimulus package money to provide low interest loans for water quality projects. They might also provide some grants, and Engineer Ruschke has submitted a project proposal for review. Committeeman O'Connor asked if Morris County has any plans to perform any maintenance work on the section of Shunpike Road from Rosepond to Loantaka Way. Engineer Ruschke indicated that he would look into the matter and report back to the Township Committee at the next meeting.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Introduction of Ordinances

ORDINANCE 2009-01

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING CONSERVATION EASEMENT FOR BLOCK 39, LOT 13.01, 42 MOUNTAIN AVENUE

Attorney Woodward advised that Ordinance 2009-01 be tabled for the time being, as the owner of the property has a current application before the Board of Adjustment related to the development of said property.

ORDINANCE 2009-02

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING CONSERVATION EASEMENT FOR BLOCK 142, LOT 4.01, 575 WOODLAND ROAD

WHEREAS, St. Hubert's Giralda is the owner of 575 Woodland Road, Block 142, Lot 4.01 on the Tax Map, and have, pursuant to a resolution of the Planning Board granting site plan approval for said premises and the requirements of the New Jersey Department of Environmental Protection under the Freshwater Protection Act, been required to convey a three part Conservation Easement to the Township, all as more particularly described in a metes and bounds descriptions for Conservation Easement A, Conservation Easement B, and Conservation Easement C, all dated January 8, 2009, prepared by James P. Deady, LS, and attached to said easement; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the above described conservation is hereby accepted and the Mayor and Clerk are hereby authorized to execute a conservation easement agreement, in form similar to that attached hereto, with the owners of Block 142, Lot 4.01, 575 Woodland Road, which easement shall be as described in accordance with the metes and bounds descriptions prepared by James P. Deady, LS, dated January 8, 2009, and which shall be approved by the Township Attorney.

Attorney Woodward said that this conservation easement is the result of a site plan approval.

Committeeman O'Connor moved to introduce Ordinance 2009-02. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Public Hearing for Ordinance 2009-02 will be scheduled for February 12, 2009.

Consent Agenda

RESOLUTION 2009-038

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 \$665,999.87 and the prior month's payroll of \$450,588.70 Current Fund, \$45,249.87 Sewer No. 1, \$8,473.69 Sewer No. 2, and \$6,387.54 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of January 2009, in the amount of \$2,300,037.28 be paid.

RESOLUTION 2009-039

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM VARIOUS BOARDS AND COMMITTEES

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector – November, December
- Municipal Court – December
- Animal Control – December
- Chatham Emergency Squad – December
- Fire Official – October, November, December
- Construction Official – December
- Police Department – November, December
- Public Works – November, December
- Vital Statistics – 4th Quarterly Payment
- State Training Fees – 4th Quarter

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

- Board of Health – December

RESOLUTION 2009-040

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 the minutes of the Township Committee meeting held on January 7, 2009.

RESOLUTION 2009-041

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AND MAYOR'S APPOINTMENTS FILLING BOARD VACANCIES FOR SPECIFIC TERMS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following board appointments be made:

Planning Board: Mayor's appointments

- 1. Class IV Jonathan Cohn (2012)
- 2. Class IV Thomas Browne (2012)

RESOLUTION 2009-042

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT APPLICATION FOR 2008

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987. c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Chatham to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township of Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **EILEEN HLADKY** to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2009-043

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Chatham Township PBA Local #170	April 18, 2009	Corpus Christi Church 234 Southern Boulevard Chatham, NJ 07928

RESOLUTION 2009-044

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR PTO OF THE CHATHAMS, INC.

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by PTO of the Chathams, Inc. on March 27, 2009, at Chatham High School, 255 Lafayette Avenue, Chatham Township, are hereby approved.

Committeeman Gallop moved to approve the Consent Agenda. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Discussion

Amending Township Code in regard to application forms for the Land Use Board

Engineer Ruschke said that several members of the Planning Board and the Board of Adjustment have worked together to develop some new application forms for land use applications. In order for the forms to be used, an ordinance is necessary because the existing forms are part of the Township Code. He also said that it is unorthodox for the application forms to be part of a

municipal code, and he suggested that if the forms were removed from the codebook then it would become an administrative issue. Attorney Woodward concurred that application form updates could be an administrative matter. He will prepare the necessary ordinance to delete the requirement that the application form be part of the Township Code.

Township's Current Definition and Restrictions on Accessory Structures

Engineer Ruschke explained that there was an interpretation of the Township Code that accessory buildings and accessory structures are limited to two per property. He suggested that accessory buildings still be limited as such, but that accessory structures should not have this limit. Attorney Woodward provided the definitions of "accessory structure" and "accessory building." Engineer Ruschke added that no changes are needed in the Township Code, only in the enforcement thereof.

Hearing of Citizens

Mayor Tubbs opened the second Hearing of Citizens.
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Committeeman O'Connor moved to adjourn at 8:44 P.M. Committeeman Gallop seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk