

**TOWNSHIP OF CHATHAM
COMMITTEE MEETING MINUTES
FEBRUARY 9, 2006**

Mayor O'Connor 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 9, 2006; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9, 2006; and notice was filed with the Township Clerk on January 9, 2006.

Mayor O'Connor led the flag salute.

Roll Call

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

Approval of Agenda

Administrator Ciccarone recommended adding a request for paving on Long Hill Lane, a/k/a Swamp Road to discussion items and the Township Committee agreed to make it item number six. Committeeman Tubbs requested a discussion on the Sunset Lake tax issue. Deputy Mayor Brower made a motion to approve the amended agenda. Committeewoman Hagner seconded the motion and it carried unanimously.

Introduction of Ordinances

ORDINANCE 2006-01

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF CHATHAM TO INCORPORATE NONSTRUCTURAL BEST MANAGEMENT PRACTICES FOR STORMWATER CONTROL AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection has adopted Stormwater Management Regulations on March 3, 2004, as are set forth in N.J.A.C. 7:8-1 et seq; and

WHEREAS, said regulations require every municipality in the State of New Jersey to develop a Stormwater Management Plan and to further adopt ordinances implementing Best Management Practices for stormwater management in each municipality; and

WHEREAS, the New Jersey Department of Environmental Protection Regulations require municipalities to incorporate Nonstructural Best Management Practices as part of any Stormwater Management Plan and Ordinance; and

WHEREAS, the Township of Chatham wishes to adopt the Ordinances as required by NJDEP;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham as follows:

Section 1.

Chapter XXX of the Code of the Township of Chatham is hereby amended to add the following subsections in the Subdivision and Site Plan Design Standards sections as follows:

30-64.1k. *Nonstructural Stormwater Management Best Management Practices.* Notwithstanding any other provision of this ordinance to the contrary, the Township hereby adopts and incorporates herein by reference the current nonstructural stormwater management strategies as

the same may be amended and supplemented from time to time and as are set forth in N.J.A.C. 7:8-1 et seq. The applicant shall compare current nonstructural stormwater management practices as set forth in the aforesaid regulation to the standards set forth in this ordinance. In the event of any conflict between the provisions of this ordinance and the current nonstructural stormwater management regulations, the more stringent of the provisions or regulations shall be controlling. Except as provided herein, the approving board shall only approve developments which comply with the provisions of N.J.A.C. 7:8-1 et seq. as amended to the maximum extent feasible considering the constraints of the specific development project. Any Township regulation that is less stringent than said regulations shall be superseded by the provisions of N.J.A.C. 7:8-1 et seq. as amended.

30-64.2u. *Nonstructural Stormwater Management Best Management Practices.* Notwithstanding any other provision of this ordinance to the contrary, the Township hereby adopts and incorporates herein by reference the current nonstructural stormwater management strategies as the same may be amended and supplemented from time to time and as are set forth in N.J.A.C. 7:8-1 et seq. The applicant shall compare current nonstructural stormwater management practices as set forth in the aforesaid regulation to the standards set forth in this ordinance. In the event of any conflict between the provisions of this ordinance and the current nonstructural stormwater management regulations, the more stringent of the provisions or regulations shall be controlling. Except as provided herein, the approving board shall only approve developments which comply with the provisions of N.J.A.C. 7:8-1 et seq. as amended to the maximum extent feasible considering the constraints of the specific development project. Any Township regulation that is less stringent than said regulations shall be superseded by the provisions of N.J.A.C. 7:8-1 et seq. as amended.

Section 2.

This Ordinance shall take effect in accordance with law.

Attorney Woodward advised that the State of New Jersey is requiring the Township to adopt procedures to comply with the State's regulations for nonstructural stormwater practices. Committeeman Tubbs added that the Township's local regulations have to be at least as stringent as the State's policies. Attorney Woodward stated that this ordinance does not have to be referred to the Planning Board because these changes deal with design standards, not zoning regulations. The Township Committee entertained a discussion relative to the suggested language. Administrator Ciccarone asked Engineer Ruschke what applications this change would effect and Engineer Ruschke stated that this would apply to major developments, not lot grading plans ranging from 5,000 to 10,000 square-foot disturbances or minor subdivisions on less than one acre. The Administrator asked what property classes this would effect, and if this is putting rules in place that the Township is presently devoid of or if we are providing language to comply with the State's requirements by referencing their regulations. Engineer Ruschke replied that it will affect all classes and will cause more regulations to be imposed by this ordinance. After further deliberation on the language in the ordinance, Attorney Woodward recommended adding "*In the event of any conflict between the provisions of this ordinance and the current nonstructural stormwater regulations, the more stringent of the provisions or regulations shall be controlling.*" Engineer Ruschke clarified that the Township does not have a set of ordinances that are strictly non-structural stormwater management techniques; it has design standards toward structural management such as detention basins, pipes, water quality issues, etc. The DEP is looking to adopt non-structural techniques where it provides practices and guidelines such as minimizing the amount of clearing, minimizing soil compaction, utilizing natural vegetation where possible, etc.; the DEP is looking at a more of passive management approach versus a more structural management system. Administrator Ciccarone asked if there will be any conflict between the structural and non-structural stormwater management regulations and Engineer Ruschke replied that he does not foresee any conflicts.

Deputy Mayor Brower made a motion to introduce Ordinance 2006-01 as amended. Committeeman Tubbs seconded the motion.

Roll call: Committeewoman Hagner, Nay; Committeeman Hartford, Aye; Committeeman Tubbs, Aye; Deputy Mayor Brower, Aye; Mayor O'Connor, Aye.

The public hearing is scheduled for February 23, 2006.

Consent Agenda

Relative to Resolution 2006-043, Administrator Ciccarone advised that this resolution was authorized at the last meeting. Committeeman Hartford questioned Resolution 2006-044, particularly the gas bill of \$5,870 and the electric bill of \$7,000 incurred by the Municipal Building and recommended performing an energy survey. Administrator Ciccarone stated he will look into the bills and advised that a proposal on solar energy will be forthcoming. Committeeman Hartford further questioned if the Township's vehicles have to run on premium gas and Joseph Smith, Manager of Public Works, replied that they do because the vehicles require high octane. Deputy Mayor Brower recommended looking into sensors and Administrator Ciccarone stated he will look into this and will call JCP&L. Mayor O'Connor advised that the Township does not own the fire hydrants and the \$31,298 paid to New Jersey American Water is of concern. The Committee held a brief discussion and Administrator Ciccarone will look into purchasing the hydrants; the Administrator stated that the Township would still need to pay New Jersey American Water to provide service. The adoption of Resolution 2006-048 was explained to be a MCJIF requirement and compels the Tort Claim Form be completed within 90 days from the date of incident. It was determined Resolution 2006-045 would be pulled from the Consent Agenda for a separate vote.

RESOLUTION 2006-043

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY
AUTHORIZING THE HIRING OF SCOTT BAUMANN
AS A POLICE DISPATCHER**

BE IT RESOLVED by the Township Committee of the Township of Chatham that Scott Baumann is hereby appointed civilian dispatcher effective February 15, 2006 at annual salary of \$ 35,000.00.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that in emergency situations Scott Baumann may be utilized as a Class II Special Police officer.

RESOLUTION 2006-044

**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 \$541,656.11 and the prior month's payroll of \$397,054.45 Current Fund, \$42,709.85 Sewer No. 1, \$7,572.84 Sewer No. 2, and \$3,291.16 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of February 2006, in the amount of \$1,825,516.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the 1st quarter of 2006, in the amount of \$1,597,777.13 be paid.

RESOLUTION 2006-046

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>
Braemar at Chatham, LLC 50 Route 46, Suite 100 P O Box 117 Parsippany, NJ 07054	7200038973	\$6,210.00

RESOLUTION 2006-047

**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:

Bank Error			
<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
3	11	Guy A. Langford 71 Fairview Ave. Chatham, NJ 07928	\$4,801.41

RESOLUTION 2006-048

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF
NOTICES OF TORT CLAIMS AGAINST THE TOWNSHIP OF CHATHAM IN
ACCORDANCE THE PROVISIONS OF THE
NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6.**

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A.. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity; and

WHEREAS, the Township of Chatham is a public entity covered by the provisions of the New Jersey Tort Claims Act; and,

WHEREAS, the Township of Chatham deems it advisable, necessary and in the public interests to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham assembled in public session the 9th day of February, 2006, that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the Township of Chatham; and,

BE IT FURTHER RESOLVED, that all persons making claims against the Township of Chatham, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et. seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.

Deputy Mayor Brower moved to approve the Consent Agenda, Resolutions 2006-043 and 2006-44, and Resolution 2006-046 through Resolution 2006-048. Committeewoman Hagner seconded the motion.

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

Resolution 2006-045 - Establishing Hourly Pay for Police Officers Third Party Services was discussed and Administrator Ciccarone stated that the police officer would receive \$58.00 of the \$62.00 hourly rate and \$4.00 would be paid to the Township to cover administrative expenses. Relative to outsourcing this service, Lt. Peter Katsakos explained that under the Traffic Direction Ordinance anyone who directs traffic must be trained and police officers automatically fall into this category. This resolution does not prevent outsourcing; it establishes an hourly rate to be paid to Chatham Township Police Officers. It was further determined that numbers four and five be struck from the resolution. The majority of the Committee agreed the resolution should further reflect a two-hour minimum in lieu of a four-hour minimum. Committeeman Hartford said he opposed changing the hourly minimum to two hours and endorsed the resolution as originally proposed.

RESOLUTION 2006-045

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

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

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

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

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

1. The charge to private employers for the employment of off-duty members of the Police Department is established at \$62.00 per hour, a minimum of two hours to be paid to the Treasurer, Township of Chatham, 58 Meyersville Road, Chatham, New Jersey.
2. The portion of such charge to be paid to the member of the Police Department rendering such off-duty services is hereby established at \$58.00

per hour and the balance of \$4.00 per hour to be retained by the Township in payment for administrative expenses.

3. An agreement shall be signed by the private employer and the Township Administrator, upon the recommendation of the Police Chief, before such employment commences.

Deputy Mayor Brower moved to adopt Resolution 2006-045 as amended. Committeewoman Hagner seconded the motion.

Roll call: Committeewoman Hagner, Aye; Committeeman Hartford, Nay; Committeeman Tubbs, Aye; Deputy Mayor Brower, Aye; Mayor O'Connor, Aye.

Discussion:

1. Compost Landscaper Fee: Joseph Smith, Manager of the Department of Public Works, commented on the previous discussion concerning the bills and stated that the VAV boxes have been replaced and the heat is computerized with a central control. In addition, the windows are all double paned. Mr. Smith wanted to emphasize that improvements had been made to make the municipal building more energy efficient.

Relative to the Compost Landscaper fee, Mr. Smith provided a detailed history of the site and the amount of materials accepted throughout the years. At this time, there are 22 landscaping companies and their truckloads are getting larger. Five mason dumps each equals 50 cubic yards which fills one and one-half dumpsters; this quantity does not include what is dropped off by the residents. The volume has increased and more has to be hauled out. Everything that enters the compost site has to be processed and discharged after one year. The NJDEP said that we have too much material as we are licensed for only a small area. Discussions with Administrator Ciccarone have included options to offset costs. At the present time, it costs \$5.13 per load; if it is taken to Chatham Borough, they are charged \$10 per cubic yard. Mr. Smith recommends matching what the Borough charges. Administrator Ciccarone addressed the members of the public in attendance to explain that the landscapers serving the Chatham Township residents need to register with the Township and provide a list of the homeowners they serve. If they are new, ten percent of the list is contacted for verification. For each customer on the list, the contractor is allowed three trips to the compost area. Mr. Smith entertained comments and questions from the Township Committee members and Mr. Smith added that the landscapers are given tickets to monitor the number of trips to the site. Administrator Ciccarone emphasized the importance of revenue so the Township does not lose money to subsidize the private contractors and the importance of additional money to offset the cost in the Public Works' budget. Administrator Ciccarone added that this will not happen if the Township has to control the cost of the operation as well as the revenue because the State cap does not allow the Township to grow the budget to the extent necessary; if the costs of running the compost area and disposal of the material continue to go up, this will cause a crunch in the overall budget. Therefore, in addition to increasing the fee, the volume must be decreased. Administrator Ciccarone recommends charging \$12 per cubic yard or consider phasing this service out. Mayor O'Connor made a motion that an ordinance be prepared for introduction at the next meeting amending Ordinance 2002-005 changing the fees to \$12.00 per cubic yard. Deputy Mayor Brower seconded the motion and it carried unanimously.

2. County Street Sweeping Service: Administrator Ciccarone is in receipt of a letter from the County requesting permission to sweep Shunpike, Southern Boulevard, Meyersville Road, Green Village Road, and Fairmount Avenue at night. The County is required to sweep once or twice a year and is much safer at night from a traffic standpoint. Attorney Woodward advised that this would not generate more noise at night. Committeeman Hartford will discuss this with Freeholder Frank Druetzler.
3. Fee Structure for Colony Pool: Committeeman Tubbs advised that the Colony Pool Advisory Committee met last week and reviewed the fee structure for 2006 and believes it reflects a moderate rate increase. Once the tennis court improvements are made, the Advisory Committee would like to revisit the fee structure. The Committee's recommendations were discussed at length. Administrator Ciccarone commented that the

- Chatham Township residents should not need to subsidize the fees for non-Township residents. The Administrator added that other towns should consider paying fees on behalf of their residents who want memberships. Surrounding towns with pool memberships are significantly higher. The Administrator added that the recommended fees will bring the Township to a break-even point, but does not address capital costs to cover such costs as the tennis court improvements. Committeeman Hartford would like to see Chatham Borough residents exempt from non-resident fees, would like other fees decreased to increase membership and supports grandfathering non-resident members. Committeewoman Hagner supports the recommendation that non-residents pay a higher membership fee and does not support grandfathering non-resident members. Deputy Mayor Brower agrees with Committeewoman Hagner and stated that he would support higher fees for non-residents and does not support grandfathering. Committeeman Tubbs understands all sides of this issue and stated, as liaison and on behalf of the Colony Pool Advisory Committee, that there were a significant number of non-resident, very active Colony members who have helped run swim teams and activities and their volunteerism will not be recognized if they are to incur a higher fee. Committeeman Tubbs supports the Colony Pool Advisory Committee's recommendation to grandfather present members that are non-residents. The Township Committee deliberated at length and Mayor O'Connor stated that he agrees with Committeewoman Hagner and Deputy Mayor Brower. Attorney Woodward was directed to prepare an ordinance for introduction at the February 23, 2006 meeting to set fees as proposed, to include non-resident fees, and to reverse the fees for family tennis.
4. Building Height: Mayor O'Connor stated that he received and distributed a letter from Lawrence Dalziel, Board of Adjustment Chairman, that addressed building height problems with the construction of new homes on sloping lots and problems with the application form. Chairman Dalziel made recommendations and the Township Committee discussed options at length. Attorney Woodward gave a brief history of the ordinance and distributed a number of ordinances from surrounding towns to the Committee to review. Fire department access was of most importance. Attorney Woodward recommended seeking advice from the Township Planner, Frank Banisch. Administrator Ciccarone added that he is one of the members of the Planning Board appointed to a subcommittee, along with Planner Banisch, who will be looking at the Master Plan updates relative to floor area ratio and that this could be included in the discussions. Planner Banisch would be provided with a copy of the information that was given to the Township Committee. Deputy Mayor Brower recommended that Engineer Ruschke also provide input to Planner Banisch. The Township Committee requested that they be kept apprised of the progress.
 5. Request for Tree Planting: Mary Ann Conway appeared on behalf of Harvey Caplan, builder and developer, and representing a potential purchaser of a lot adjacent to the Municipal Building. On behalf of the potential purchaser, permission has been requested to plant trees, at the purchaser's expense, at the rear of the Municipal Building to block the view of the parking lot. The Township Committee agreed that the two trees could be planted on Township property. Administrator Ciccarone will discuss this with Ms. Conway and provide her with the names of the Tree Committee members to help determine the types of trees to be planted.
 6. Long Hill Lane Paving: Administrator Ciccarone asked the Township Committee if they wanted to preliminarily approve funds to have Engineer Ruschke proceed with this proposal, which will necessarily involve wetlands delineation. Engineer Ruschke recommended a meeting with the State for a pre-application meeting. The Township Committee reviewed options with Joseph Smith, Public Works Manager, and Engineer Ruschke, and determined that the residents should be noticed to attend the March 9, 2006 workshop meeting to determine a consensus on this project and thereafter schedule a pre-application meeting. A \$1,000 fee for Engineer Ruschke's services was agreed upon.
 7. Sunset Lake: Administrator Ciccarone advised that a letter from the appraiser was received in response to a Sunset Lake resident's letter and distributed to the Township Committee. The Administrator explained the appraisal process, how the assessor determines value and advised that appeals can be filed by April 2006.

Hearing of Citizens/Petitions

Mayor O'Connor opened the meeting to the public.

1. Bill Spraitzer, Joanna Way resident, advised that he had been the liaison to Colony Pool when he served on the Township Committee, and provided a detailed history of its origin.

- Mr. Spraitzer commended the members for their democratic points of view on determining costs and increasing fees.
2. Peter Hofmann, May Drive resident, commented on Woodland Park and Mayor O'Connor stated that the article reported inaccuracies.

Mayor O'Connor closed the hearing of citizens.

Committeeman Hartford made a motion to adjourn at 10:50 p.m. Committeeman Tubbs seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk