

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
FEBRUARY 28, 2008**

Deputy Mayor Brower called the regular meeting of the Township Committee of the Township of Chatham to order at 7:37 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.

Deputy Mayor Brower led the flag salute.

Roll Call

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

Approval of Agenda

Administrator Ciccarone indicated that Resolution 2008-054 would require an amendment before adoption.

Proclamation

Deputy Mayor Brower read the attached proclamation declaring March 2008 as American Red Cross Month in the Township of Chatham. Christine Hodde and Irene Sachs from the Colonial Crossroads Chapter of the American Red Cross were present to accept the proclamation. Mrs. Hodde recognized the Red Cross volunteers who were present at the meeting.

Reports

Committeewoman Hagner reported that on February 21, 2008 she attended a seminar on the proposed changes in the COAH rules, and she received some information that was passed along to Township Planner Frank Banisch. Mr. Banisch will be proposing some comments on the changes, and the Planning Board and Township Committee will be reviewing the comments before they are sent on to the Council on Affordable Housing. Deputy Mayor Brower asked if there have been any changes in the COAH schedule. Attorney Woodward said that there has not been any indication that there will be any leeway, and it is a tight schedule. Committeeman Gallop reported that the Open Space Committee has submitted comments to Banisch & Associates regarding the bike path proposal. Furthermore, the Open Space Committee met with a representative from PSE&G regarding the possibility of having a portion of the bikeway run along the high-tension tower right-of-way. Deputy Mayor Brower asked if the County has expressed any interest in expanding parking near the Green Village Post Office. Committeeman O'Connor reported that the School Board would be presenting their budget on March 19, 2008. Deputy Mayor Brower asked about a possible reduction in the County's open space tax. Engineer Ruschke reported that a report on the Passaic River sampling was submitted. He also submitted a letter to the manufacturer of the new structure to be installed at Colony Pool letting them know that they may begin fabrication. Administrator Ciccarone indicated that some preliminary work has begun at Castle Park and construction will begin soon. Committeewoman Hagner said that she hopes to have an opening day date available by the next meeting. Deputy Mayor Brower raised a concern about trees at the site during the construction, and how it may affect water drainage. Administrator Ciccarone reported that he still hopes to have the budget introduced at the Township Committee meeting on March 13, 2008. He also said that he expects to receive the certified state aid figures within the next week, and any necessary adjustments to the Township's budget will be made at that time. Deputy Mayor Brower addressed the issue of municipal consolidation, and suggested that the Township take the initiative to share services with surrounding municipalities whenever possible.

Hearing of Citizens / Petitions

Deputy Mayor Brower opened the Hearing of Citizens.

1. Mel Reinhart, Dogwood Drive resident, asked for the definition of a bikeway. Committeewoman Hagner said that a bikeway is an off road bicycle trail. Administrator Ciccarone further explained the difference between a bikeway and a bike route. Mr. Reinhart also recognized the efforts of the Department of Public Works in snow removal, and said that Public Works Director Joe Barilla is doing a great job.

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

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2008-02

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER II, ARTICLE VI (ADMINISTRATIVE POLICIES AND PROCEDURES) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CHATHAM REGARDING PRIVATE EMPLOYMENT OF POLICE PERSONNEL.

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

SECTION 1. Chapter II, Administration, Article VI, Administrative Policies and Procedures, Section 2-49, Private Employment of Police Personnel, of the Code of the Township of Chatham, County of Morris, State of New Jersey, is revised so that Subsection 2-49.2 shall read as follows:

**CHAPTER II
ARTICLE VI
ADMINISTRATIVE POLICIES AND PROCEDURES**

2-49 PRIVATE EMPLOYMENT OF POLICE PERSONNEL

2-49.2 PAYMENT.

a. Private employers shall pay to the Treasurer of the Township as compensation for the services a sum equal to the number of hours worked times the highest hourly overtime rate for patrolman as contained in the collective bargaining agreement with the Patrolmen's Benevolent Association then in effect, plus \$6.00 per hour for each hour worked for administration.

b. The Police Chief shall estimate the number of hours anticipated to be worked, and payment for the estimated work shall be paid by the private employer to the Township Treasurer prior to commencement of work. The minimum charge shall be for 2 hours.

c. If additional work time is required due to unanticipated circumstances, and such work is approved by the Police Chief, the private employer shall be liable for payment to the Township for all such additional hours worked.

d. The private employer must give at least 2 hours prior notice to the Police Chief for cancellation of any scheduled off-duty service. Any private employer who fails to give the required 2 hours notice shall pay the full cost of the estimated hours up to 4 hours.

e. An invoice from the Township for any balance due, or a credit for any refund, if any, shall be issued by the Township Treasurer. Payments due from private employers shall be made within ten (10) days of receipt of the invoice from the Township.

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

Deputy Mayor Brower opened the Public Hearing on Ordinance 2008-02.

Seeing none, Deputy Mayor Brower closed the Public Hearing.

Committeeman O'Connor moved to adopt Ordinance 2008-02. Committeewoman Hagner seconded the motion.

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

ORDINANCE 2008-03

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, ACCEPTING THE GIFT OF A TRAFFIC SPEED
MONITOR FROM THE FAIRMOUNT COUNTRY CLUB**

WHEREAS Fairmount Country Club, 400 Southern Boulevard, Chatham Township has offered to the Township a Traffic Speed Monitor for use on Township roads, and the Township, being most appreciative of this generous gift to improve the safety of the community, wishes to accept the same;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Township, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., hereby accepts, with thanks, the donation of a Traffic Speed Monitor from the Fairmount Country Club for use in the Township of Chatham.

This ordinance shall take effect as provided by law.

Deputy Mayor Brower opened the Public Hearing on Ordinance 2008-03.

Seeing none, Deputy Mayor Brower closed the Public Hearing.

Committeewoman Hagner moved to adopt Ordinance 2008-03. Committeeman O'Connor seconded the motion.

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

Consent Agenda

RESOLUTION 2008-052

**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 – Annual Report 2007, January
Municipal Court – January
Construction Official – January
Animal Control – January
Chatham Emergency Squad – January
Police Department – November, December, January
Public Works – January

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:

Environmental Commission – December 2007
Open Space Committee – November 2007, January 2008

RESOLUTION 2008-053

**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 Volunteer Fire Department	June 7, 2008	Chatham Twsp. Fire Dept. 495 River Road Chatham, NJ 07928

RESOLUTION 2008 - 054

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL AGREEMENT AMONG THE TOWNSHIP OF CHATHAM, BOROUGH OF CHATHAM AND THE SCHOOL DISTRICT OF THE CHATHAMS REGARDING BALLFIELD MAINTENANCE FOR 2008

WHEREAS, the Borough of Chatham, Township of Chatham and School District of the Chathams utilize each other's fields for various athletic activities, including, without limitation, baseball and softball; and

WHEREAS, there exists a need for preparation of the ball fields owned by the School District at Milton Avenue School and Washington Avenue School in the Borough and the Southern Boulevard School in the Township (hereinafter collectively "the ball fields"), and used by the joint recreation program of the Township of Chatham and the Borough of Chatham (hereinafter "the joint recreation program for baseball, softball and t-ball; and

WHEREAS, there may also exist a need for minor maintenance and repair of the ball diamonds, deemed a part of "the ball fields," owned by the School District at the Middle School in the Borough and Chatham High School in the Township, and used by the joint recreation program for baseball, softball and t-ball; and

WHEREAS, the Borough and the Township have offered, and the School District is willing to accept said offer, for the Borough and the Township to prepare fields for games, i.e. raking, lining, grooming of pitchers mounds and batters boxes using volunteers during the 2008 Spring and Summer Recreation Season (March through July); and

WHEREAS, there may also be a need for minor repairs and renovation work to be performed by volunteers before the start of the Spring Season, under the supervision of the Public Works Departments of the Township and the Borough and/or the Board of Education; and

WHEREAS, this Agreement is authorized pursuant to State Law, specifically, N.J.S.A. 40:8A-1, et seq., N.J.S.A. 40:12-9, and N.J.S.A. 18A20-22;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute an Interlocal Agreement with the Township of Chatham and the School District of the Chathams providing that:

1. The Borough and the Township, as part of their joint recreation program, agree to perform minor maintenance and minor repairs of the ball fields prior to the 2008 Spring Recreation Season, under the supervision of the respective Public Works Department of the Borough and the Township, and to perform routine game preparation work during the season.
2. The School District grants permission for, and the right of access to, the Borough and the Township to prepare said ball fields and that the School District agrees to indemnify and hold harmless the Borough and the Township, and the volunteers, from any and all liability that may arise as a result of said maintenance.
3. The term of this Agreement shall commence on Monday, March 10, 2008 and end on Monday, July 31, 2008;
4. The Borough, the Township and the School District represent to each other that all necessary municipal or School District actions, as the case may be, to authorize and effectuate this Agreement have been taken and that each entity will take all future action reasonably necessary to effectuate the terms and conditions of said Agreement during its term; and
5. The laws of the State of New Jersey govern this Agreement.

BE IT FURTHER RESOLVED, that an original fully executed copy of the Interlocal Agreement shall be maintained in the Office Clerk.

RESOLUTION 2008-055

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>
Jose Briones 20 Hampton Road Chatham, NJ 07928	7760011059	\$250.00
Aum Shiv Corp. 240 Route 10 West East Hanover, NJ 07936	7760011153	\$3226.64

Re: 48.23 Lot 126.04

RESOLUTION 2008-056

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 meetings held on February 14, 2008.

RESOLUTION 2008-057

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on February 14, 2008.

RESOLUTION 2008-058

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>
Madison High School Class of 2009 PTSO	April 5, 2008	Green Village Fire House 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2008-059

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SUPPORTING THE CREATION OF THE SWAMP BIKE LOOP AS PART OF A REGIONAL RECREATION EFFORT

WHEREAS, there has been proposed a bicycle loop through the Chatham Township, Harding and Long Hill Township area abutting and through the Great Swamp; and

WHEREAS, the County of Morris has requested a written indication of support for the project from the affected municipalities; and

WHEREAS, the Township Committee of the Township of Chatham desires to indicate its support by adopting this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the proposed bicycle loop through and around the Great Swamp is a highly desirable undertaking that has the full support of the Township of Chatham and that this resolution of support shall be forwarded to the County of Morris and the Townships of Harding and Long Hill.

RESOLUTION 2008-060

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT FOR GENERAL ENGINEERING SERVICES.

WHEREAS, the Township of Chatham is in need of the services of a professional engineer to prepare a pre-application for review and approval by the NJDEP for the proposed redevelopment of Shunpike Field, and

WHEREAS, Township Engineer, John Ruschke, P.E. of the firm Hatch Mott MacDonald (HMM) has submitted a letter proposal dated February 14, 2008 and on file in the office of the municipal Clerk, detailing the services to be provided.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Hatch Mott MacDonald (HMM) is hereby awarded a contract to provide services in accordance with the aforesaid mentioned letter proposal for a fee not to estimated to be \$22,700. HMM shall not exceed the estimated amount without authorization from the Township.

RESOLUTION 2008-061

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT APPLICATION FOR 2007

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.

Administrator Ciccarone indicated that in Resolution 2008-054, the words “and/or the Board of Education” would need to be added at the end of the fifth paragraph. Committeewoman Hagner pointed out that this proposal adds maintenance work at Chatham Middle School and Chatham High School. Administrator Ciccarone explained that day-to-day activities such as putting down lines for a batter’s box would be performed by parents, but other more significant activities such as grass cutting would still rest with the Board of Education. Deputy Mayor Brower asked if the Township would be indemnified if a volunteer performing field maintenance was injured. Attorney Woodward explained that the Township’s insurance covers the actions of volunteers who are performing work for the Township.

Committeewoman Hagner moved to adopt the Consent Agenda. Committeeman Gallop seconded the motion.

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

Discussion

Senior Center Banner

Administrator Ciccarone explained that the Senior Center has requested to hang a banner outside of the Municipal Building, and Madison Honda would donate the banner. Committeeman O’Connor asked how big both the banner and the Madison Honda logo would be. Deputy Mayor Brower warned about setting a precedent regarding the hanging of banners, and he also suggested that a sign would be better than a banner. Administrator Ciccarone suggested that he and Deputy Mayor Brower meet with the Senior Center regarding this issue. Committeeman O’Connor agreed that a sign might be more appropriate.

Committeewoman Hagner moved to adjourn at 8:25 P.M. Committeeman O’Connor seconded the motion, and it carried unanimously.

Joy Wiley
Municipal Clerk