

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**APRIL 30, 2009**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:35 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, Committeeman Brower, Deputy Mayor Hagner and Mayor Tubbs.

**Approval of Agenda**

Mayor Tubbs said that the representative from the Tree Protection Committee would not be able to attend this meeting, and therefore that committee's annual report would be postponed. Deputy Mayor Hagner asked that Electronic Community Bulletin Boards be removed as a discussion item and be dealt with at a future meeting. Committeeman O'Connor asked that Superintendent of Schools Jim O'Neill's letter regarding a merger of the Chathams be discussed.

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

**Reports**

Committeeman Brower reported that he spoke with Dr. DeNicola from White Buffalo, Inc., and it is difficult to set up netting in residential yards as part of a deer management program. He described possible alternative methods for culling deer in residential neighborhoods, and said that costs might be high. Regarding the Senior Center, Committeeman Brower reported that the bathrooms are complete, and the doors and foyer lighting are still in progress. Operations in the Senior Center are mostly back to normal. Deputy Mayor Hagner said that she has heard from Verizon that Chatham Township's public access channel on FiOS went live on April 22, 2009, and can be found on Channel 26. She expects that at the next Township Committee meeting it will be known when live broadcasting of Township Committee meetings will begin. Deputy Mayor Hagner also reported that the revised bikeway plan would be discussed at the upcoming Planning Board meeting. Committeeman O'Connor reported that the annual Electronics Recycling Event would be held on Saturday, May 2, 2009 from 9:00 AM to 12:00 P.M. Committeeman Gallop reported that the County is ready to meet with the Township regarding striping on Southern Boulevard. Deputy Mayor Hagner asked about having an official opening of the new bike paths. Committeeman Gallop said that he is in the process of coordinating the opening with the School District. Mayor Tubbs reported that he met with Anna Riker regarding the Chatham Summer Series, and fundraising is behind schedule due to the current economic climate. The current plan is to have a movie night in June, a car show in July, and a second movie night right before Labor Day. Mayor Tubbs also discussed the letter from Jim O'Neill about merging the Chathams. The Mayor said that he thinks all shared-services opportunities should be explored. However, his discussions with representatives from Chatham Borough have shown that they do not share his interest in shared-services. Mayor Tubbs also does not think that the question of a merger should be put on the ballot without providing the requisite background information. Furthermore, he does not think it should move forward until the Borough becomes a willing partner. Committeeman O'Connor said that he favors moving toward a merger, and he said that perhaps the School District would be in a better position to approach the Borough and explain to them the potential benefits of a merger. Committeeman Gallop said that a referendum would give the elected officials the political will to move the

process forward if there was sufficient support in each community. He also said that he would favor a referendum so as to ascertain how residents feel on this issue, but only if there was a referendum in both municipalities. Committeeman Brower indicated that support would be needed from more than just a simple majority of the residents. Furthermore, if people vote for change, they should know ahead of time what form of government would replace the existing governments. Additionally, Committeeman Brower said that the multiple fire departments would be an issue, as would be merging the police departments. Mayor Tubbs reiterated that nothing could move forward without support from Chatham Borough. Committeeman Gallop suggested that it would be preferable to merge the Chathams at a time when they are financially strong, rather than wait for a fiscal crisis. Administrator Ciccarone said that the State created a commission to investigate opportunities for consolidation. He also said that the Chathams are ahead of the curve with sharing services, and Chatham Township is continuing to seek opportunities to share services with neighboring towns. Attorney Woodward reported that he appeared before the Morris County Tax Board defending tax appeals, and decisions should be returned soon. Regarding Green Acres funding, Attorney Woodward reported that all the documentation was submitted for the Blatz property, and he expects the funds to be received in 30 days. On the Motto property, the Township has succeeded in reducing the requirements that the NJDEP have enacted regarding an old oil tank that had been removed, and new soil samples need to be taken. Engineer Ruschke said that the NJDEP has two staff members reviewing the Township's application to do work at Shunpike Field, and he described the aspects of the application that each staff member is reviewing. Committeeman O'Connor asked about the time frame for the application review. Engineer Ruschke said that the NJDEP's current deadline is May 5, 2009 but they may be asking for an extension of that deadline. Committeeman O'Connor also asked if there is a cutoff date whereby construction would not be able to be completed in the Fall. Mayor Tubbs said that there are a number of options being considered, all of which depend on the weather and when approval is granted. Engineer Ruschke further reported that he prepared a preliminary cost estimate for the installation of sidewalks along Shunpike from Lafayette Avenue to Lenape Trail. He also said that he got a quote of \$13,000 from a developer for a portion of the sidewalk that would go from Lafayette to Falmouth. Committeeman Brower said that the Township should move along with that section now, since the developer is currently in the process of doing work at the corner of Falmouth and Shunpike. Administrator Ciccarone said that money is available to go forward with that project, and all that is needed from the Township Committee is a motion to move forward. Engineer Ruschke said that a formal proposal should be sought from the developer before proceeding, but the Township Committee could still approve that the work be done for a cost not to exceed \$17,500.

Committeeman Brower moved to authorize construction of a sidewalk, including proper curb work, along Shunpike Road from Falmouth Road to Lafayette Avenue, at a cost not to exceed \$17,500.00. Committeeman Gallop seconded the motion.

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

### **Reports by Subcommittees**

#### **Planning Board**

Planning Board Chairman Joel Jacobson presented the annual report of the Planning Board. Mr. Jacobson reported that for 2009, development applications have been lighter. The main focus of late has been the Master Plan, particularly the Recreation Element and the Land Use Element. He read aloud a portion of the 1999 Land Use Element to give the Township Committee an idea of what is covered by the Land Use Element. The Planning Board intends to investigate possible uses of Giralda Farms and the Rolling Knolls Landfill. Committeeman Brower complimented Mr. Jacobson on how well the Planning Board is run. Mayor Tubbs asked Mr. Jacobson about the idea of a joint Planning Board and Zoning Board. Mr. Jacobson said that if the number of applications remains low, they could be combined; however if the workload were too high then they would need to remain separate. Committeeman Brower pointed out that the Board of Adjustment serves a quasi-judicial role in creating solutions, while the Planning Board is under political influences. Mr. Jacobson said that the Planning Board has the same responsibilities and restrictions as the Board of Adjustment when they are reviewing an application. However, when they are reviewing the Master Plan, the concerns of the Township Committee come into play. Committeeman Brower defended having the boards remain separate.

### Environmental Commission

Vice-Chair Kathy Abbott presented the annual report of the Environmental Commission. In 2008, the Environmental Commission reviewed all construction permit applications for environmental issues, and they also reviewed the wetlands permit applications submitted to the NJDEP. In April 2009, the seventh annual Passaic River Cleanup event was held, and electronics recycling events are still being conducted. The Environmental Commission also looked into grants to conduct an energy audit, and they also monitor conservation easements. Committeeman O'Connor mentioned the Anti-Idling Campaign and the Back-to-Tap Campaign. Committeeman Gallop said that he appreciates the commitment of the Environmental Commission. Committeeman Brower asked about alternatives to the crumb rubber used for artificial turf. Mrs. Abbott said that a cost estimate could not yet be obtained because of all the work that needs to be done with the NJDEP. Mayor Tubbs thanked the Environmental Commission for their work.

### Ten Towns Committee

Executive Director Harry Gerken presented the annual report of the Ten Towns Committee. Times have been tight financially for the Ten Towns due to funding cutbacks. They have, however, done some important things to protect the water flowing into the Great Swamp. A water quality-monitoring program is being conducted in conjunction with the Great Swamp Watershed Association. Mr. Gerken said that in 2005, the EPA awarded a \$250,000 grant to the Ten Towns to study the Loantaka Brook, and a final report should be prepared by June 30, 2009. Operating expenses have been cut from \$80,400 to \$63,650. The Ten Towns is also looking to relocate to a facility owned by Mendham Township, at a cost of \$1 a year. Mr. Gerken reported that the current 5-year interlocal agreement expires in 2009, and Ten Towns is looking to reorganize prior to the renewal of the agreement. Deputy Mayor Hagner asked if there is a direct benefit to the Township that would warrant continued participation in Ten Towns. Mr. Gerken explained that the NJDEP tends to treat the Ten Towns organization and its member communities as if they were developers, and the Ten Towns is advocating that the regulations be changed for municipalities and environmental organizations.

### Proclamation

Mayor Tubbs read the attached proclamation proclaiming the week beginning May 10, 2009 as National Nursing Home Week in Chatham Township.

### Hearing of Citizens/Petitions

Mayor Tubbs asked Administrator Ciccarone if any action had been taken regarding an issue brought up by a resident at the last meeting. Administrator Ciccarone reported that the Police Department has looked into the parking situation on Maple Street relative to the Chatham High School, and they are prepared to make a recommendation. Officer Curtis will be surveying the residents on that street to see if they support the recommendation that they intend to make.

Mayor Tubbs opened the Hearing of Citizens.

1. David Hill, Edgewood Road resident, said that he has an escrow account that he has been trying to close for over a year, but he has been unable to get in touch with the Township Engineer. Secondly, Mr. Hill said that his property has been adversely affected by construction and landscaping on his neighbor's property, and the neighbor did not get the appropriate lot grading plans to do the work. Administrator Ciccarone and Dan Honoshowsky from Hatch Mott MacDonald conducted an on-site inspection, and there are still several issues outstanding. Engineer Ruschke said that the neighbor did receive a notice of violation, and it was settled in the courts. Furthermore, because the lot was disturbed prior to the preparation of a lot-grading plan, it is unknown what the original drainage patterns were. Furthermore, stormwater does discharge onto the Hill's property, however it flows toward a catch basin. He has also asked for an as-built plan from Mr. Hill's engineer. As Mr. Hill's engineer has asked for clarification about the as-built plan, additional escrow is required if Engineer Ruschke needs to explain to his engineer how to create such a plan or do drainage calculations. Mr. Hill said that he never received a

request for an as-built plan. He also said that Administrator Ciccarone agreed that no water should be flowing from the neighbor's property onto his. Administrator Ciccarone said that he does not remember making such an agreement, and he explained that since work was done on both properties, both need to demonstrate that stormwater is being managed. Furthermore, the Hill's have failed to demonstrate that the drainage in their yard is as it should be. Mayor Tubbs asked that Engineer Ruschke send an updated letter to Mr. Hill listing all the items necessary to close out the escrow account. The Mayor also asked if the neighbor's property had final approval. Engineer Ruschke said that he has not approved the final lot-grading application, and is waiting to receive information from Mr. Hill so that he can address the allegations related to flooding.

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

**Public Hearing/Final Adoption of Ordinances**

**ORDINANCE 2009-06**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain expectations; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$96,599.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next to succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2009 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$338,098.19 and that the CY 2009 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such

Administrator Ciccarone explained that under State law, appropriations cannot increase beyond the cost-of-living index or 2.5%, whichever is less. However, by adopting a cap bank ordinance, a municipality can increase up to 3.5% and bank the difference for future use for up to 2 years. This does not appropriate any funds or allow for any additional spending, but it allows for the extra 1% to be banked for future use.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-06.

Hearing no public comment, Mayor Tubbs closed the Public Hearing.

Committeeman Brower moved to adopt Ordinance 2009-06. Committeeman O'Connor seconded the motion.

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

**ORDINANCE 2009-07**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF OPEN SPACE ACQUISITION**

**WHEREAS**, The Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2009;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

1. 2-75.2 Funding of the Reserve for Open Space Acquisition.

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one (\$.01) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2009. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2010.

2. All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-07. Hearing no public comment, Mayor Tubbs closed the Public Hearing.

Committeeman O'Connor moved to adopt Ordinance 2009-07. Committeeman Brower seconded the motion.

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

**Public Hearing & Final Adoption of 2009 Municipal Budget & Related Resolutions**

**RESOLUTION 2009-098**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Chatham has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2008 budget year; so

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief

Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget has been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Administrator Ciccarone explained that this resolution allows the Township to perform a self-examination of the budget.

Committeeman Brower moved to adopt Resolution 2009-098. Committeeman O'Connor seconded the motion.

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

**RESOLUTION 2009-099**  
**(See Attached)**

Administrator Ciccarone pointed out some minor corrections to the budget. The total appropriations and revenues were adjusted by \$10.

Mayor Tubbs opened the Public Hearing on Resolution 2009-099.

1. Bill Berberich, Highland Avenue resident, asked if Administrator compares notes with the School District in preparing the budget. Administrator Ciccarone said that they do not directly compare notes, but they are both trying to save money. Mr. Berberich asked if there is a cost control program. Mayor Tubbs said that every year, department heads go to Administrator Ciccarone to make their recommendations, and then the budget is discussed by the Public Finance Committee, and finally presented to the Township Committee. He further said that the portion of the tax bill that goes to the Township is only 19%, and he said that employee raises were cut back this year.

Hearing no further comment, Mayor Tubbs closed the Public Hearing.

Administrator Ciccarone said that the Township saves all it can. The State has imposed strict limits, and the Township is in good shape because of proper planning. Mayor Tubbs said that there are fewer municipal employees that there were in recent years, but that staff levels cannot be cut too far without impacting the levels of service. Committeeman Gallop asked if it would

be possible to come up with estimated figures of the expected cost of an employee when the Township hires new personnel. Administrator Ciccarone said that there is a tendency in the Township for staff to remain employed here for a long time, and it would be difficult to project what salaries would be 20 years from now. Mr. Berberich asked if it is true that New Jersey has the highest tax rate. Administrator Ciccarone said that it is one of the highest tax rates because public schools are funded through property taxes. Committeeman Brower recognized the efforts of Administrator Ciccarone, Committeeman O'Connor and Mayor Tubbs in the preparation of a budget that has so low of a tax increase. However, he indicated that he was not consulted in the budgetary process, and he suggested that liaisons should be consulted when the departmental budgets are prepared. Committeeman O'Connor replied that the Township Committee members have the responsibility to seek out such information during the budgetary process. Administrator Ciccarone said that it is part of the administrator's job description to prepare the budget and present it to the Township Committee. Furthermore, he has no problem with the liaisons being part of the problem, and they are welcome to be a part of the process. Committeeman Brower suggested that zero-based budgeting be implemented, but Administrator Ciccarone said that such a process would not work for the Township.

Committeeman O'Connor moved to adopt Resolution 2009-099. Committeeman Gallop seconded the motion.

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

**Public Hearing/Final Adoption of Ordinances**

**ORDINANCE 2009-05  
AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR  
COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE  
TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY,  
EFFECTIVE JANUARY 1, 2009**

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

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

<b><u>Office or Position of Employment</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
Member of Township Committee	1.00	1,200
Township Administrator	85,000	150,000
Township Clerk/Registrar	40,000	75,000
Deputy Clerk	35,000	50,000
Secretary Bd. Of Health	3,500	10,000
Chief Financial Officer/Treasurer Part-time	3,000	15,000
Township Attorney	26,000	55,000
Administrative Assistant/Ass't. Treasurer	26,000	80,000
Accounting Clerk	24,000	55,000
Receptionist or Clerk Typist	22,000	50,000
Director Glenwood Housing	3,600	7,000
Secretary	24,000	45,000
Chief of Police/Emergency Management Coordinator	75,000	122,000
Dispatcher – Year 1 probationary (6 months)	26,000	
Dispatcher – Year 1 after probation	28,000	
Dispatcher – Year 2	30,000	
Dispatcher – Year 3	35,000	
Dispatcher – Year 4	40,000	
Dispatcher – Year 5	45,000	
Dispatcher - Year 6	48,500	55,000
Public Works Manager	65,000	110,000
Assistant Public Works Manager	56,000	95,000
Director Water Pollution Control	50,000	90,000

Tax Collector/Utility Collector	30,000	75,000
Ass't. Tax & Utility Collector	26,000	50,000
Tax Assessor (Part-time)	15,000	27,000
Ass't. Assessor	22,000	50,000
Recycling Coordinator	10,000	15,000
Escrow Accounting Clerk	3,500	5,000
Director of Recreation	45,000	100,000
Land Use Administrator and Facilities Manager	35,000	80,000
Board Manager Planning/Zoning	5,000	10,000
Planning Board Attorney	5,000	15,000
Zoning Board Attorney	5,000	15,000
Planning Board Secretary	2,400	7,000
Zoning Board Secretary	2,400	7,000
Secretary Environmental Commission	500	1,500
Secretary Open Space Advisory Committee	500	1,500
Construction Office Control Person	25,000	57,000
Construction Official/Building Sub-code Official/Inspector	25,000	80,000
Zoning officer/Code Enforcement Officer (PT)	10,000	18,000
Fire Sub-code Official/Inspector	4,000	18,000
Fire Prevention Official/Inspector	4,000	18,000
Municipal Judge	24,000	45,000
Municipal Court Administrator	30,000	65,000
Deputy Court Administrator/Violations Clerk	22,000	35,000
Municipal Prosecutor	12,000	30,000
Dog Licensing Clerk	2,000	4,000
Secretary Colony Pool	2,500	6,000
Director of Public Assistance	3,000	12,000
<b>Seasonal and Hourly Positions</b>		
Pool Manager	10,000	21,000
Assistant Pool Manager	4,600	10,000
Snack Bar Manager	4,600	9,000
Playground Director	1,800	5,000
Tennis Manager	5,000	12,000
Swim Team Coach	1,400	3,000
Swim Team Ass't. Coach	500	1,000
Lifeguards	7.15 HR	15.00 HR
Gate Attendants*	5.50 HR	12.50HR
Recreation Aide*	5.50 HR	12.50 HR
Laborer	7.15 HR	14.00HR
Crossing Guards	7.50 HR	25.00HR
Dispatcher PT	10.00HR	25.00HR
Clerk Typist PT	7.50HR	15.00HR
Building Inspector	25.00HR	40.00HR
Plumbing Sub-code Official/Inspector	25.00 HR	40.00 HR
Electrical Sub-code Official	25.00 HR	40.00 HR

\*Gate Attendants and Recreation Aides aged 18 and over shall be paid a minimum of \$7.15 per hour.

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

Section 3. Longevity pay for non-exempt, eligible employees as specified in the Township Personnel Policy shall be 2% of base salary for each four years of continuous service with the Township but not to exceed \$1,400.00.

Section 4. Police Dispatchers shall have pay for 13 holidays added to the above listed salaries.

Section 5. In addition to the above salary, persons appointed to the attorney positions may also receive compensation in accordance with contracts for professional services.

Section 6. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 7. Salaries provided herein shall be effective January 1, 2009, except where noted, for those employed with the Township as of the adoption date of the ordinance.

Section 8. This ordinance shall take effect upon publication as provided by the law.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-05.  
Hearing no public comment, Mayor Tubbs closed the Public Hearing.

Committeeman Brower made suggestions regarding the salary ranges. He also wants to see the combined salaries for people who hold more than one position. Deputy Mayor Hagner indicated that Administrator Ciccarone does compare the Township's salary ranges to those of other municipalities.

Committeeman O'Connor moved to adopt Ordinance 2009-05. Deputy Mayor Hagner seconded the motion.

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

**Consent Agenda**

**RESOLUTION 2009-100  
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 - March
- Animal Control – March
- Municipal Court – March
- Fire Official – January, February, March
- Construction Official – March
- Public Works – March
- Police Department – March
- State Training Fees – First Quarter
- Dog/Cat Licensing – First Quarter
- Vital Statistics – First 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 – March
- Environmental Commission – March
- Open Space – March

**RESOLUTION 2009-101  
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 April 16, 2009.

**RESOLUTION 2009-102  
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 meeting held on April 16, 2009.

**RESOLUTION 2009-103  
RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF CHATHAM AND THE COUNTY OF MORRIS FOR  
ROAD OPENING PURPOSES**

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Interlocal Services Agreement between the Township of Chatham and the County of Morris for road opening purposes. A copy of this agreement will be kept on file in the Office of the Township Clerk.

2. A certified copy of this resolution shall be provided by the Office of the Township Clerk to the following:

- a) Morris County Board of Chosen Freeholders  
Administration and Records Building  
P.O. Box 900  
Morristown, NJ 07963-0900

**RESOLUTION 2009-104**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE LIST OF VOLUNTEERS ELIGIBLE FOR LOSAP**

**WHEREAS**, the Township of Chatham has received a list of volunteers eligible for LOSAP from the Green Village Volunteer Fire Department, the Chatham Township Volunteer Fire Department and the Chatham Emergency Squad; and

**WHEREAS**, the Township Committee has reviewed the list from each emergency service organization;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the volunteers on the attached certified lists are hereby approved as being eligible for LOSAP.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to each emergency service organization for a 30-day posting.

**RESOLUTION 2009-106**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING ALARM PERMIT FEE**

**WHEREAS**, the Township Committee has considered the request submitted by the Police Department with regard to the fee that was paid for an alarm permit;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
William J. & Donna Charlton P.O. Box 76, Holly Hill Lane New Vernon, NJ 07976	\$35.00

**RESOLUTION 2009-107**

**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 \$31,619.91 be paid.

Resolution 2009-105 was pulled from the Consent Agenda for a separate vote. Committeeman Brower asked a question about the approval of minutes from the prior meeting, and Mayor Tubbs was able to clarify that the minutes were correct as written. Deputy Mayor Hagner asked about the interlocal agreement for road opening permits. Public Works Director Joe Barilla said that the interlocal agreement waives the need for road opening permits when the Township and Morris County need to perform work on each other's roads. Deputy Mayor Hagner also asked if Mr. Barilla is comfortable with the five-year maintenance period designated in the interlocal agreement, and he indicated that he was.

Committeeman Brower moved to approve the Consent Agenda. Deputy Mayor Hagner seconded the motion.

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

**RESOLUTION 2009-105  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, IN THE COUNTY OF MORRIS, ESTABLISHING EMPLOYEE  
SALARIES FOR THE YEAR 2009.**

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that annual salaries of non-contractual employees are hereby established as shown below, effective January 1, 2009, unless otherwise indicated. Employees terminating their employment prior to the effective date of this resolution shall not be eligible for any increase

Township Committee Member	\$1.00 - 1,200
Township Administrator	\$147,900
Township Clerk/Registrar	\$71,435
Secretary Board of Health	\$9,800
Deputy Clerk	\$49,060
Chief Financial Officer	\$10,600
Township Attorney	\$52,825
Administrative Assistant/Assistant Treasurer	\$76,500
Accounting Clerk	\$50,503
Secretary (Administration)*	\$46,084
Secretary (DPW)	\$34,410
Secretary (Police)	\$42,350
Chief of Police/Emergency Management Coordinator	\$121,710
Dispatcher (Anthony)	\$51,350
Dispatcher (Bauman)	\$48,500
Dispatcher (Keenan)	\$45,000
Dispatcher (Bessler J.)	\$48,500
Public Works Manager	\$101,818
Ass't. Public Works Manager	\$90,505
Director Water Pollution Control	\$86,000
Tax Collector/Utility Collector	\$61,807
Assistant Tax and Utility Collector *	\$45,868
Tax Assessor	\$25,500
Assistant Assessor/Recycling Coordinator	\$46,761
Escrow Account Clerk	\$4,142
Director of Recreation (plus 2,000 car allowance)	\$99,666
Planning Board Attorney	\$9,000
Zoning Board Attorney	\$6,000
Planning Board Secretary	\$6,558
Zoning Board Secretary	\$3,297
Colony Pool Secretary	\$3,475
Construction Office Control Person/Bd. Manager/Dog Licensing Clerk	\$56,127
Construction Office Secretary	\$41,000
Construction Official/Building Sub-code Official/Inspector (includes mileage)	\$78,929
Plumbing Sub-code Official/Inspector	\$38.10 Hr.
Electrical Sub-code Official/Inspector	\$40.80 Hr.
Fire Sub-code Official/Inspector	\$16,485
Fire Prevention Official/Inspector (includes mileage)	\$15,464
Building Inspector (PT)	\$35.70 Hr.
Municipal Judge	\$40,883
Municipal Court Administrator	\$64,451
Deputy Court Administrator	\$32,822
Municipal Prosecutor	\$25,000
Director Public Assistance	\$11,375
Pool Manager	\$20,400
First Assistant Pool Manager	\$8,800
Assistant Pool Manager (snack bar)	\$6,800

Second Assistant Pool Manager	\$6,600
Playground Director	\$2,800
Tennis Manager	\$11,220
Swim Team Coach	\$2,400
Assistant Swim Team Coach	\$700-1,000
Recreation Counselor	\$5.50 - \$10.00 Hr
Lifeguard 1 <sup>st</sup> year	\$8.50 Hr.
Lifeguard 2 <sup>nd</sup> year	\$9.00 Hr.
Lifeguard 3 <sup>rd</sup> year and up	\$9.50 – 13.50Hr.
Water Safety Instructor (added to lifeguard wages)	\$.25- \$.50 Hr.
Gate Attendants	\$5.50 -\$12.00Hr.
Recreation Aide	\$5.50 - \$12.00 Hr.
Laborer (PT or seasonal)	\$7.15 - \$13.00 Hr.
Crossing Guards	\$10.00- \$25.00Hr.
Clerk Typist (PT)	\$10.00- \$16.00Hr

\*Employees holding positions marked with an asterisk above may be eligible for longevity payments according to the Township’s “Personnel Policies.” Such payments, not to exceed \$1,400.00, are included in the above salaries. Dispatcher salaries do not include Holiday pay.

This Resolution shall take effect immediately.

Deputy Mayor Hagner moved to adopt Resolution 2009-105. Committeeman O’Connor seconded the motion.

**Roll call:** Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Nay; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

**Discussion**

Assembly Bill A-3570 Regarding COAH

Mayor Tubbs said that the Township Committee received copies Assembly Bill A-3570, and he described the content thereof. The bill would abolish COAH, and bring affordable housing back under the control of the State Legislature. Committeeman Brower said that Rockaway Township and the Borough of Kinnelon have gone on record supporting Assembly Bill A-3570. This matter will be further discussed at a future meeting.

Water Quality Management Ordinances

Attorney Woodward said that this issue is more complicated than he first thought. He will meet with Engineer Ruschke and report back to the Township Committee at the next meeting.

Fees for Gun Range

Mayor Tubbs said that Chief Paton and Administrator Ciccarone have recommended a sliding scale for the police departments that would be using the firing range. Committeeman Brower asked how fees would be assessed on particularly large organizations. Administrator Ciccarone said that when the Coast Guard has used the range, they were not charged. Chief Paton said that the range is not used by a large quantity of federal agencies. Committeeman O’Connor raised a concern over environmental issues. He also suggested that outside users go elsewhere due to noise and environmental issues. Committeeman Brower said that there should be a liability agreement. Attorney Woodward said that the Township has insurance for the firing range, and the only real way to protect from lawsuits would be to get rid of the range. Deputy Mayor Hagner voiced support of the proposed ordinance, and suggested that the Police Department could look into improving the environmental concerns. Committeeman Gallop said that it would not hurt to have an indemnification agreement. Administrator Ciccarone suggested that action on this ordinance be delayed until the next meeting so that Attorney Woodward can make some changes.

Southern Boulevard Firehouse Bids

Administrator Ciccarone said that the bids ranged from a low bid of \$973,500 to a high bid of about \$1.8 million. The references of the low bidder were checked, and the feedback was positive. Administrator Ciccarone suggested that action be taken at the next meeting, as money needs to be appropriated before the contract can be awarded. Committeeman O'Connor asked if there was any possibility of obtaining stimulus package funding for this project. Administrator Ciccarone said that he does not anticipate getting stimulus package money for this project between now and the next meeting.

Sustainable Jersey Grant Funding

**RESOLUTION 2009-108**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**  
**OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY**  
**AUTHORIZING THE APPLICATION FOR A SUSTAINABLE JERSEY™**  
**GRANT FUNDED BY WAL-MART**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Chatham strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Township of Chatham is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

**THEREFORE**, the Township Committee of the Township of Chatham has determined that the Township of Chatham should apply for the aforementioned Grant.

**THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

Mayor Tubbs said that State law now allows municipalities to add a Sustainability Plan Element to master plans, and Wal-Mart provides grants for the creation of such plans. He also said that Banisch Associates would not get paid for the creation of the plan unless and until the grant is received. Engineer Ruschke said that this is a very competitive grant application process, and he asked about the costs involved in applying. Committeeman Gallop said that the Township is not being charged to apply.

Committeeman Gallop moved to adopt Resolution 2009-108. Committeeman Brower seconded the motion.

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

COAH Letter and Response

Mayor Tubbs said that a letter was sent from the State to himself asking for information about COAH, and Banisch Associates have prepared a response. Attorney Woodward said that COAH is looking for a resolution indicating intent to appropriate funds. Administrator Ciccarone explained that if insufficient funds were raised from developers' fees, the Township Committee would need to appropriate funds from either general revenue or a bond ordinance to fund the affordable housing programs.

**RESOLUTION 2009-109**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**CHATHAM RE FUNDING OF AFFORDABLE HOUSING PROGRAM**

**WHEREAS**, the Township Committee of the Township of Chatham petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and

**WHEREAS**, Township of Chatham's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, the Council on Affordable Housing (COAH) has requested a resolution of this Township Committee to provide municipal funding of the accessory apartment program and the market to affordable program in the event that there are insufficient funds raised from developers' fees to fund the programs;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby expresses its intent to provide, in accordance with applicable law, such necessary and appropriate funding mechanisms as may be needed to fund the accessory apartment program and the market to affordable program as set forth in the Township's Fair Share Plan in the event that there are insufficient funds raised from developers' fees collected by the Township.

Committeeman Gallop moved to adopt Resolution 2009-109. Mayor Tubbs seconded the motion.

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

### **Executive Session**

#### **RESOLUTION 2009-P-05**

#### **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

#### Litigation Matters

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 Hagner moved to adopt Resolution 2009-P-05 to go into Executive Session at 11:38 P.M. Committeeman O'Connor seconded the motion.

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

The Committee returned from Executive Session at 11:50 P.M.

Deputy Mayor Hagner moved to adjourn. Committeeman Gallop seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk