

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**MAY 14, 2009**

Mayor Tubbs called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:38 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**

Deputy Mayor Hagner asked that the discussion on electronic community bulletin boards be held at the next meeting. Committeeman O'Connor asked that Resolution 2009-118 be removed from the Consent Agenda to be voted on separately.

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

**Reports**

Committeeman Gallop reported that the Recreation Committee has reduced fees for several fall activities. Mayor Tubbs asked about the protocol for fee reduction. Committeeman Gallop said that the Recreation Committee makes their suggestions, and the recreation directors bring it to the municipal administrators for final approval. Administrator Ciccarone further explained the process. Deputy Mayor Hagner asked if the fees were set by ordinance. Administrator Ciccarone said that the ordinance sets a range, and he will have to check the ordinance to ensure that the suggested fee reductions would be compliant. Committeeman Brower asked about offering financial assistance for people who cannot afford to pay activity fees. Mayor Tubbs said that no child would be turned away if they cannot afford the fees. Committeeman Brower suggested that the process for requesting such financial assistance be a more impersonal request. Committeeman Gallop further reported that the Township is moving forward with the purchase of defibrillators. Deputy Mayor Hagner reported that the Planning Board would be holding a public hearing on the amended bike plan on June 1, 2009. She also reported that Tom Salvas attended a conference held by the Jersey Access Group, and he met with two vendors regarding an electronic community bulletin board. Additionally, she said that she expects Township Committee meetings to be broadcast live over FiOS beginning in June. Deputy Mayor Hagner also reported that she wants to meet with Engineer Ruschke and Administrator Ciccarone about submitting grant applications for further bike path and sidewalk projects. Committeeman Brower reported that there are no updates regarding deer management, and he has tried to get in touch with Mr. Graybeal. Regarding the Senior Center, Committeeman Brower reported that the lights have been installed, but the glass has not. He also asked that the steps leading from the Senior Center toward the gazebo be repaired. Mayor Tubbs reported that the Board of Health would be keeping in touch with Health Officer John Theese regarding the H1N1 virus. H1N1 will be taken into account while making plans for the flu shot clinic in the Fall. Mayor Tubbs further reported that a Public Safety Committee meeting was held, and the police accreditation process is moving forward. Administrator Ciccarone reported that bids were received for electrical improvements to the Tanglewood Wastewater Treatment Plant, and that a recommendation for an award may be made at the next meeting. Engineer Ruschke reported that the DEP deemed the Shunpike Field application complete, but they have requested additional information. Furthermore, a deadline is approaching in June for submission of a DOT grant

application, and Engineer Ruschke advised that the grant be sought for repairs to Lafayette Avenue. He is also working with Public Works Director Joe Barilla on recommending additional road improvements.

### **Proclamation**

Mayor Tubbs read the attached proclamation, proclaiming the period from May 15, 2009 through the month of June 2009 as “Parents Who Host Lose the Most” month. Committeeman Brower mentioned pending legislation that would exempt inebriated minors from arrest when they seek help for others who are in need of medical attention due to alcohol consumption.

### **Reports by Subcommittees**

#### **Tree Protection Committee**

Mary Olmsted presented the 2009 Annual Report of the Tree Protection Committee. She recommended that the Public Works Department could review applications for the removal of single trees when lot grading plans are not involved. Administrator Ciccarone said that it would be better to have the arborist handle those applications. Tree permit fees were discussed, and Mrs. Olmsted discussed the goals of the Tree Protection Committee. They plan to monitor the progress of the new tree protection ordinance, and they plan to create a “Trees of Chatham” video. Another suggestion is to have the arborist organize a tree walk in the Great Swamp. He could also conduct an inspection of heritage trees. Mrs. Olmsted also said that the Summit DPW has a very elaborate tree protection program, and she would like to meet with them to see if any elements of their plan could be incorporated in a similar program in Chatham Township. Mrs. Olmsted also said that she is repeatedly asked by people about a forestry plan that the Township once had. Mayor Tubbs suggested that Mrs. Olmsted investigate the purpose of such a plan before trying to develop a new one. Administrator Ciccarone said that a new plan was updated several years ago, and it has since expired. Committeeman Brower asked if the Township should take care of branches that hang over the roads, and Mrs. Olmsted supported having a formal program. Administrator Ciccarone said that the Police and DPW already handle reporting and taking care of dangerous situations.

#### **Open Space**

Committeeman Gallop presented the 2009 Annual Report of the Open Space Committee. He recapped 2008, and said that the two bike paths were completed, and the Swamp Loop was developed. The Bikeway Plan was also submitted to the Planning Board. Committeeman Gallop added that PSEG is not in favor of having a bike path run along the power lines, but they would allow for connectivity points. The Open Space Committee has also begun work on creating a plan for a Community Garden. In 2009, The Open Space Committee is going to take a fresh look at the open space inventory. They will also be updating their four-year plan. Committeeman Brower suggested that the Open Space Committee check to see if any properties are being used for dumping of leaves and grass clippings. Committeeman Gallop also said that the County wants to meet with Township officials about signage on Southern Boulevard.

### **Discussion**

#### **Parking on Maple Street**

Officer Curtis gave a report on the parking situation on Maple Street. He reported that Chatham High School does not have sufficient parking spaces for all of the seniors who drive to school. Furthermore, school policy does not allow juniors to park on school property. The Township has allowed juniors and the overflow of seniors to park at in the Colony Pool lot during school hours, and parking is not allowed on certain sides of that neighborhood’s streets during certain hours. The Police Department is proposing that the current parking restrictions on Maple Street be replaced with a 2-hour time limit between 8:00 A.M. and 4:00 P.M. Mayor Tubbs said that there was once a time when all seniors could park on campus, but there are currently too few spots and seniors have to share spots or park at Colony Pool.

Mayor Tubbs opened the discussion to the public.

1. Bob Tesoro, Lafayette Avenue resident, said that he is very pleased that the Township Committee and the Police Department are addressing this situation. Mr. Tesoro opined that the two-hour parking limit would be time consuming to enforce, and he said that the residents of Maple Street suggest that the side of the street where parking is not currently allowed between 7:00 A.M. and 10:00 A.M. be changed to only allow for commercial parking, and that resident permits be issued to people who live on that street. Officer Curtis said that the parking permits would be difficult to track, and they would have to be issued to particular vehicles. He also addressed the issue of traffic volume in the area of the schools when students are being dropped off. Chief Paton said that students had been parking on Yarmouth, Plymouth and Lenape, but they relocated to Maple when parking restrictions were placed on those roads. He also said that in the initial phase of the two-hour parking limit, the police would come through and chalk tires between 7:00 A.M. and 7:30 A.M., and then come back two hours later.
2. Mary Olmsted, Park View Road resident, said that she heard that the High School is considering doing away with assigned parking and having it be first-come-first-served. She also said that there is some sort of “escape clause” offered to students, and the school can opt to take the privilege away from students who park illegally.
3. Kara Monson, Lafayette Avenue resident, said that because of the open campus privilege and revolving schedules, students would still be able to park on Maple Street without violating the two-hour limit.
4. Mike Andres, Maple Street resident, said that if the parking restrictions begin at 8:00 A.M., students would be able to park on the street, which would also interfere with student drop-off at Lafayette School.
5. Ann Tufariello, Maple Street Resident, said that parents double park on both sides of what is a narrow street, which would create a problem if a fire truck or ambulance needed to get through. Officer Curtis said that the Police Department would not be opposed to prohibiting parking between 7:00 A.M. to 4:00 P.M.
6. Peter Perla, Maple Street Resident, said that there are a number of elements involved with Maple Street. After school, there are cars waiting to pick up students, track team members running on Maple Street, and students from Lafayette School walking in the street because of the cars parked on both sides. Mr. Perla feels that it is a disaster waiting to happen.

Committeeman Brower said that in a Baltimore neighborhood near Johns Hopkins, they issue one parking permit per house. These permits have no further identifying information, and there is never more than one car in the street per house. Committeeman Gallop asked if the parking restrictions could affect any of the other streets. Officer Curtis said that it could possibly affect Longwood Ave. Deputy Mayor Hagner asked what was done on Pine Street, and if it could be applied to Maple Street. Officer Curtis said that it could, but the 300-foot limit would have to be extended further. Mayor Tubbs said that he has some misgivings about a parking permit system. Furthermore, he suggested that if a student was a habitual parking offender, they could lose their privilege to leave campus.

7. Tracy Ness, Jay Road resident, said that for students to walk to and from school, there are problems in areas where there are no sidewalks.
8. Mrs. Tufariello said that the after school problem comes from about 6 or 7 parents who have decided to double park on Maple Street rather than wait on line at the schools.
9. Mr. Tesoro added that the kids have an area to park at Colony Pool, but they do not want to walk so they park on Maple Street. He also said it would be helpful to get the students to park where they are supposed to park.

Committeeman O’Connor said that when there are vehicles parked on both sides of the street, traffic cannot get through, and he said that perhaps parking should be prohibited on one side of the street. Officer Curtis said that the neighbors could be surveyed again. Mayor Tubbs said that a two-hour parking limit would be consistent with the other streets in the neighborhood.

Committeeman O'Connor said that the Chatham High School could take action through their code-of-conduct, and Officer Curtis said he would reach out to the School District. Mayor Tubbs said he would like to have a solution for September.

Mayor Tubbs announced that on June 6, 2009 the Chatham Township Fire Department would be having their annual fund raising barbeque from 4:00 P.M. to 11:00 P.M. at the River Road Firehouse.

#### Bike Path area- Rose Terrace/Chatham St.- Paper Street

Administrator Ciccarone said that the Earle family, who live adjacent to the new bike path, asked that the Township Committee consider vacating the paper street upon which the new bike path has been built, and that the bike path would be considered an easement. Due to the paper street, the Earle's property is currently considered a corner lot, and vacating the paper street would change that designation, thereby giving them relief in the setback requirements.

1. Mr. Earle thanked the Open Space Committee and the Township Committee for the building of the bike path. He said that the people who use the path no longer act as if they are trespassing on private property.
2. Mr. Brady said that this issue does not affect him. He also asked if vacating the land is an option. Administrator Ciccarone said that the practical affect would be that the two properties would no longer be classified as corner lots. Therefore, instead of a 50-foot setback from a paper street, they would have the standard 15-foot sideyard setback requirement.

Mayor Tubbs asked Attorney Woodward to prepare the necessary ordinance. Attorney Woodward said that there are two options for vacating the street, and he will investigate those options. Committeeman Brower said that he would not like to see additional taxes imposed upon the property owners who would be affected by this measure.

Mayor Tubbs called for a brief recess at 9:40 P.M.

Mayor Tubbs called the meeting back to order at 9:45 P.M.

#### Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

1. David Hill, Edgewood Road resident, was present to follow up on a matter discussed at the last meeting. Engineer Ruschke said that a foundation location survey was received, but he has not yet received an as-built plan. Mr. Hill said that he needs to spend another \$700, and he said that nobody has complained about his project. All he wants to do is close out his escrow account. He further questioned how his neighbor could receive a conditional lot-grading approval when there are still several conditions that they have not met. Committeeman Gallop asked if the Township Committee is the correct forum for this topic to be discussed. Attorney Woodward said that this is an administrative matter that should be dealt with by the Township Engineer. Engineer Ruschke said that he has asked Mr. Hill to comply with the same ordinances that every other Township resident must comply with. Furthermore, the neighbors have done that which Engineer Ruschke asked them to do. Administrator Ciccarone said that Engineer Ruschke will not be requiring any more of the neighbor, and both he and Engineer Ruschke will meet with Mr. Hill and his engineer again if necessary. Mr. Hill complained that sections of his fence are still buried. Engineer Ruschke said that there is an insignificant amount of dirt against the fence.

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

#### Introduction of Ordinances

**ORDINANCE 2009-08**  
**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, AMENDING FEES FOR USAGE OF THE POLICE FIRING  
RANGE**

**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, 1995 are amended to establish fees for use of the Police Firing Range by outside law enforcement agencies as follows:

1. Section 2-81.2, Police Firing Range Fees, is hereby amended to read as follows:

The following annual fees for usage of the Police Firing Range at Police Headquarters by law enforcement agencies are hereby established:

Up to 25 officers:	\$1,000
26 to 50 officers:	\$1,500
51 to 75 officers:	\$2,000
Over 75 officers:	\$2,000 plus \$40 for each officer number 76 and up.

Each law enforcement agency shall supply a certified range master for each use of the range.

No other entity or individual other than the Chatham Township Police Department or other law enforcement agency shall use the Police Firing Range without the prior approval of the Township Committee.

Each law enforcement entity shall indemnify and hold harmless the Township from any liability from the use of the range, and shall provide evidence of appropriate liability insurance naming the Township as an additional named insured from any liability arising therefrom.

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

Attorney Woodward said that this version of the ordinance was modified based on the discussion held at a prior Township Committee meeting. Mayor Tubbs asked if this version is equitable, and he suggested that there be a flat fee plus a usage fee. Committeeman Brower said that this is a lease type of arrangement. He also suggested that the Police Department keep track of who is using the firing range, and he thinks that liability insurance is a must. Chief Paton explained that under State law, police officers must qualify four times a year, therefore larger departments will be using the range more often than smaller departments. Committeeman O'Connor and Committeeman Brower argued that the proposed fees were too low. Following discussion, Mayor Tubbs asked that the fees in the proposed ordinance be doubled and that language be added requiring insurance coverage.

Deputy Mayor Hagner moved to introduce Ordinance 2009-08 as amended. 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 on Ordinance 2009-08 will be scheduled for May 28, 2009.

**Consent Agenda**

**RESOLUTION 2009-110**  
**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 \$642,715.35 and the prior month's payroll of \$427,733.84 Current Fund, \$44,733.61 Sewer No. 1, \$8,500.96 Sewer No. 2, and \$2,617.99 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of May 2009, in the amount of \$2,271,625.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Second Quarter of 2009, in the amount of \$1,912,891.94 be paid.

**RESOLUTION 2009-111**

**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 30, 2009.

**RESOLUTION 2009-112**

**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 30, 2009.

**RESOLUTION 2009-113**

**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>
Nils Klarlund 504 River Road Chatham, NJ 07928 Re: Block 62, Lot 68	7760011166	\$158.66

**RESOLUTION 2009-115**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPROVING RAFFLES FOR MAKE A WISH FOUNDATION OF NJ**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by Make A Wish Foundation of NJ on June 8, 2009, at Fairmount Country Club, 400 Southern Boulevard, Chatham Township, are hereby approved.

**RESOLUTION 2009-116**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE  
2009 BUDGET.**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham has received \$175,000.00 from the Chatham Township Fire Department as a share in the cost of constructing a new fire house on Southern Boulevard and wishes to amend its 2009 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of

the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$175,000.00 which is now available as a revenue from:

**Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:**

Contribution from Chatham Township Fire Department, and

**BE IT FURTHER RESOLVED**, that a like sum of \$175,000.00 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:**

Contribution from CTFD for construction of firehouse.

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

**RESOLUTION 2009-117**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE CONSTRUCTION OF A NEW FIRE STATION ON SOUTHERN BOULEVARD**

**WHEREAS**, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisements to enable it to seek bids for the construction of a new fire station located to be located on Southern Boulevard in the Township; and

**WHEREAS**, bids were due and received on April 14, 2009 at 10:00 am; and

**WHEREAS**, fourteen (14) bids were received at that date and time; and

**WHEREAS**, the firm of Howard C. Storer, LLC was the lowest cost, most responsible bidder and whose bid for the construction of the work was \$968,900.00 for the base bid and \$4,600.00 for Supplemental Bid Item A for a total of \$973,500.00; and

**WHEREAS**, funding for the construction of the above described fire station was appropriated by Ordinance 2008-14 and the municipal current fund operating budget; and

**WHEREAS**, pursuant to N.J.S.A. 40A:4-57, the Chief Financial Officer certifies herewith that there are adequate funds available to fund the project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that a contract in the maximum value of \$973,500.00 be awarded to the firm of Howard C. Storer, LLC.;

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk be authorized to execute the appropriate contract upon completion of the following:

1. Review and approval of the proposed contract by the Township Attorney.
2. Review and approval by the Township Attorney of the following items to be submitted by Howard. C. Storer, LLC.
  - a. Performance bond in the amount of \$973,500.00.
  - b. Insurance certificate(s) in conformance with the bid document.
3. Execution of the contract by the appropriate officials of Howard, C. Storer, LLC.

Mayor Tubbs said that Resolution 2009-114 would be voted upon separately, and Resolution 2009-118 is not yet available for a vote. Committeeman Brower asked about the cost of pool paint. Public Works Director Joe Barilla said that the cost as shown on the bill list includes other associated materials.

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 2009-114**

**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 judgement, an overpayment of property taxes has been made for the following property; and

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
135	19.03	Rosepond LLC Attn: Joyce Hayes 666 So. Livingston Ave Suite #102 Livingston, NJ 07039 Re: 3 Spruce Lane	\$1,455.01
48.02	5	Tubbs, Kevin R & Michele M. 488 Fairmount Avenue Chatham, NJ 07928	\$2,092.48
135	19.23	Wells Fargo P.O. Box 14506 Des Moines, IA 50306-9395 Re: 38 Sterling Drive	\$4,596.25
State 48.23	<u>Judgement</u> 126.03	Zipp & Tannenbaum Attn: Peter J. Zipp 166 Gatzmer Avenue Jamesburg, NJ 08831 Re: Southern Boulevard (Chatham Hill Apts.)	\$44,460.00
<u>State</u> 48.17	<u>Judgement</u> 126.02	Zipp & Tannenbaum Attn: Peter J. Zipp 166 Gatzmer Avenue Jamesburg, NJ 08831 Re: Southern Boulevard (Chatham Hill Apts.)	\$25,440.00

Committeeman Brower moved to adopt Resolution 2009-114. Committeeman Gallop seconded the motion.

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

**Discussion**

Door-to-Door Peddling

Administrator Ciccarone explained that there had been an application for a peddler's license that was denied because of residency requirements, and the situation prompted him to bring the subject of peddler's licenses before the Township Committee to see if they want to make any changes to the current ordinance. Attorney Woodward reviewed the current ordinance with the Township Committee. Mayor Tubbs suggested that the regulations in other towns be reviewed.

Riparian Zones

Attorney Woodward explained that there are four ordinances that the Township is supposed to have enacted in order to have complete satisfaction with the water quality management plans. He has spoken with the Morris County Planning Department about the ordinances, and they will be compiling all the ordinances from municipalities in Morris County and send them down to the State in September. For riparian zones, Attorney Woodward said that he used the ordinance in Dover as a model, and that ordinance basically enacts the same regulations that the DEP has enacted. Administrator Ciccarone asked if this ordinance would require the Township to enforce anything that they previously did not have to enforce. He also asked what would happen if the Township did not adopt these regulations. Attorney Woodward said that the Township's water quality management plans would not be approved, and Engineer Ruschke said that the DEP would then not approve any TWA permit applications in the Township. Attorney Woodward said that this measure is part of an attempt of the DEP to have the municipalities share some of the burden of enforcement. Attorney Woodward said that this ordinance should be reviewed by the Township Committee and acted upon at a future meeting. For steep slopes, Attorney

Woodward said that the DEP's model ordinance is more rigorous, but the Township's ordinance works better. He also said that the model fertilizer ordinance is not enforceable.

### Energy Audit

Administrator Ciccarone said that an RFP was submitted to the five approved vendors for the Energy Audit Program. Three bids were received, one vendor said that they would not be bidding, and the fifth did not respond. The bids received ranged from a low bid of \$18,474 to a high bid of \$47,671. Administrator Ciccarone also said that he sent the scope of work and the low bid to the State for approval. He hopes that it will be on the agenda for the next meeting so that action can be taken.

### Public Intoxication

**ORDINANCE 2009-09**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL SECTION 3:7-7a OF THE CODE OF THE TOWNSHIP OF CHATHAM AS RESPECTS PUBLIC INTOXICATION**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County Morris, State of New Jersey that Chapter III, Police Regulations, of the Code of the Township of Chatham, is hereby amended to amend Section 3-7.7, Intoxication, as follows:

**Section 1. Repeal**

Subsection 3-7.7a of Section 3-7.7, Intoxication, is hereby repealed in its entirety.

**Section 2. Amendment.**

Subsection 3-7.7b of Section 3-7.7 is hereby redesignated as Section 3-7.7, Possession of Intoxicating Liquors.

**Section 3. Effective Date.**

This ordinance shall take effect as provided by law.

Administrator Ciccarone explained that a NJ State Supreme Court ruling stated that public intoxication is not a proper subject for regulation. As the Township has had prohibitions on public intoxication, they need to be repealed. Individuals would still be held accountable for their conduct, but they cannot be prosecuted simply for being intoxicated.

Committeeman Brower moved to introduce Ordinance 2009-09. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2009-08 will be scheduled for May 28, 2009.

### Executive Session

**RESOLUTION 2009-P-06**  
**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

Police Personnel Issues

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

Mayor Tubbs announced the Township Committee would be taking action following Executive Session.

Deputy Mayor Hagner moved to adopt Resolution 2009-P-06 to go into Executive Session at 11:00 P.M. Committeeman Gallop 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 11:09 P.M.

Committeeman Brower moved to authorize Chief Paton to make a conditional offer of employment to a candidate for the position of Police Officer. 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.

Committeeman Brower moved to adjourn at 11:10 P.M. Deputy Mayor Hagner seconded the motion, and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk