

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
MAY 28, 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, Deputy Mayor Hagner and Mayor Tubbs. Committeeman Brower was absent.

Approval of Agenda

Administrator Ciccarone said that discussions regarding the Energy Audit Program and the Chatham Street paper street are not ready to be held.

Committeeman Gallop moved to approve the agenda as amended. Deputy Mayor Hagner seconded the motion, and it carried unanimously.

Special Recognition

**RESOLUTION 2009-123
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPOINTING JAMES LATTOZ AS POLICE OFFICER IN THE
CHATHAM TOWNSHIP POLICE DEPARTMENT**

BE IT RESOLVED, by the Township Committee of the Township of Chatham that James Lattoz be hereby appointed Police Officer according to the Township policy and the applicable collective bargaining agreement, effective June 1, 2009.

Committeeman Gallop moved to pass Resolution 2009-123. Deputy Mayor Hagner seconded the motion.

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

Mayor Tubbs read aloud the resolution.

James Lattoz was sworn in as a Police Officer. Municipal Clerk Joy Wiley administered the oath of office.

Reports

Deputy Mayor Hagner reported that the Planning Board will not be meeting on June 1, 2009, and they will be discussing the Bike Plan on June 15, 2009. She asked Attorney Woodward to provide an update on the pending Green Acres funds. Attorney Woodward said that some comments were received regarding the river-walk property, and he finally got something in writing from the DEP about soil sampling at the Motto Property. Mayor Tubbs reported that defibrillators at recreation fields should be in place prior to the next Township Committee meeting. Committeeman Gallop asked if there would be an ordinance regarding tampering with the defibrillators, and Administrator Ciccarone said that Attorney Woodward would work on that issue for the next meeting. Mayor Tubbs further reported that he did a brief interview to be aired

on Comcast, in which he promoted the new bike paths. Regarding Colony Pool, Mayor Tubbs reported that registration figures are lower than what would be preferred. He and Committeeman Brower believe that this is due to both the economy and the weather experienced this past Spring. Administrator Ciccarone reported that he attended a municipal administrators conference, and there was a presentation on municipal consolidation. A report will be released by LUARC that addresses the topic of shared services and consolidation, and Administrator Ciccarone said that he would supply the Township Committee with some of the material he has on that topic. Attorney Woodward reported that he has ideas about the way to handle the paper street at the end of Chatham Street, and an ordinance to address this matter would be available for the next meeting. Engineer Ruschke reported that the NJDEP has received all the information that they have requested regarding Shunpike Field. In regard to the former kitchen area in the Municipal Building, Engineer Ruschke said that he solicited some additional proposals to do some demolition work to combine the kitchen area with the faculty lounge. Three proposals were received, and they were in the amounts of \$4200, \$4800, and \$10,000. Administrator Ciccarone has advised that funds are available to proceed with the additional demolition work. Committeeman O'Connor asked what the room would be used for, and Mayor Tubbs said that it would be used for various recreation purposes. Engineer Ruschke also reported that the improvements to the Senior Center are substantially complete. Mayor Tubbs said that he, Engineer Ruschke and Administrator Ciccarone have a meeting scheduled with the NJDEP regarding the Chatham Glen and Tanglewood Water Pollution Control plants.

Hearing of Citizens/Petitions

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

Public Hearing/Final Adoption 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.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-08.
Seeing none, Mayor Tubbs closed the Public Hearing.

Committeeman O'Connor moved to adopt Ordinance 2009-08. Deputy Mayor Hagner seconded the motion.

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

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.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-09.
Seeing none, Mayor Tubbs closed the Public Hearing.

Committeeman Gallop moved to adopt Ordinance 2009-09. Committeeman O'Connor seconded the motion.

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

Consent Agenda

RESOLUTION 2009-118

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
SUPPORT OF ASSEMBLY BILL A-3570 PROPOSING THE ABOLITION OF THE COUNCIL
ON AFFORDABLE HOUSING (COAH)**

WHEREAS, the Township of Chatham, in the County of Morris, State of New Jersey, has consistently, over a twenty year period, embraced its responsibility to provide affordable housing; and

WHEREAS, in 2007 the Township of Chatham exceeded its COAH obligations; and

WHEREAS, as a result of the new COAH formula, the Township of Chatham's surplus of affordable units has now become a deficit; and

WHEREAS, the interest of all New Jersey citizens, including low and moderate income families in need of affordable housing, and the needs of the workforce would be best served by a comprehensive planning and implementation response to the constitutional obligation to provide housing for low and moderate income families; and

WHEREAS, Assembly Bill A-3570 proposes the abolition of COAH which, in turn, will force the legislative and executive branches to come together to adopt corrective legislation addressing the needs of affordable housing employing a more reasonable approach.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham in Morris County, New Jersey, that the State Assembly and Senate are called upon to immediately adopt A-3570.

BE IT FURTHER RESOLVED that a copy of this resolution shall be distributed to Governor Jon S. Corzine, Members of the 21st Legislative District, and all Morris County Municipalities.

RESOLUTION 2009-119

**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 – April
Animal Control – April
Chatham Emergency Squad – April
Municipal Court – April
Construction Official – April
Police Department – April
Public Works – April

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 – April

**RESOLUTION 2009-120
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 May 14, 2009.

**RESOLUTION 2009-121
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 May 14, 2009.

**RESOLUTION 2009-122
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY AWARDING A CONTRACT FOR THE ELECTRICAL IMPROVEMENTS AT THE
TANGLEWOOD WASTEWATER TREATMENT PLANT**

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisements to enable it to seek bids for the electrical improvements at the Tanglewood Wastewater Treatment Plant in the Township; and

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

WHEREAS, five (5) bids were received at that date and time; and

WHEREAS, the firm of Chambon Electric, Inc. was the lowest cost, most responsible bidder and whose bid for the electrical improvements at the Tanglewood Wastewater Treatment Plant was \$60,800.00 for the base bid and \$3,000.00 for Supplemental Bid Item A for a total of \$63,800.00; and

WHEREAS, funding for the improvements at the Tanglewood Wastewater Treatment Plant was appropriated by Ordinance 2008-16; 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 \$63,800.00 be awarded to the firm of Chambon Electric, Inc. of Chatham, New Jersey;

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 Chambon Electric, Inc.
 - a. Performance bond in the amount of \$63,800.00.
 - b. Insurance certificate(s) in conformance with the bid document.
3. Execution of the contract by the appropriate officials of Chambon Electric, Inc.

**RESOLUTION 2009-124
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
DESIGNATING THE ENVIRONMENTAL COMMISSION OF THE TOWNSHIP OF
CHATHAM AS THE GREEN TEAM TO LEAD IN THE IMPLEMENTATION OF
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION**

WHEREAS the Township Committee of the Township of Chatham has recently passed Resolution 2009-075, which supports participation in the Sustainable Jersey Municipal Certification Program; and

WHEREAS the Sustainable Jersey Municipal Certification Program has a mandatory action requirement that participating municipalities create a Green Team to lead and coordinate the sustainable activities of the community; and

WHEREAS the Environmental Commission of the Township of Chatham was created for the protection, development or use of all natural resources located within the Township;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham designates the Environmental Commission of the Township of Chatham to serve as the Green Team to lead in the sustainable activities of the community and in coordinating the implementation of local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Chatham that we do hereby authorize and encourage the Environmental Commission of the Township of Chatham to form subcommittees of the Environmental Commission to implement specific sustainable actions of the Sustainable Jersey Municipal Certification Program. Members of the subcommittees may be selected

from municipal staff and elected officials in a liaison capacity and from volunteer members of other community commissions and boards, school representatives and other members and representatives of the community.

RESOLUTION 2009-125

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM OPPOSING GOVERNOR CORZINE'S PROPOSAL TO TRANSFER MONEY FROM THE EMT TRAINING FUND

WHEREAS, the Township of Chatham depends on the Chatham Emergency Squad to serve a community with a population greater than 10,000, not including daytime visitors; and

WHEREAS, the Township relies on our volunteers to provide emergency assistance and medical care of injured, wounded, sick and infirm persons in case of emergency by rendering pre-hospital basic life support (BLS) and transportation of those persons to hospitals or other like places for medical treatment and care; and

WHEREAS, the Emergency Medical Technician (EMT) Training Fund was created by New Jersey P.L. 1992, Chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification, and for which that entity is not otherwise reimbursed; and

WHEREAS, the Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the only state-wide support volunteer EMS agencies receive is money from the EMT Training Fund; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge, which has never been increased, on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and

WHEREAS, a \$400,000 balance in the EMT Training Fund, which is currently running at approximately a \$1,000,000 deficit per year, is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community; and

WHEREAS, this plan to re-appropriate monies from the EMT Training Fund would potentially shift the cost of Volunteer EMT Training to volunteer ambulance, first aid and rescue and recovery squads when the squads continue to see a decrease in donations, contributions and a short fall in fund raising; and

WHEREAS, the members of the Chatham Emergency Squad and other similar volunteers are required by the State of New Jersey to maintain their EMT status by initial training and subsequent recertification every three years; and

WHEREAS, it is fundamentally unfair to ask those who already volunteer their time to their communities to pay for their own training; and

WHEREAS, this will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training; and

WHEREAS, the burden of funding could potentially be shifted to already overstressed local municipalities, resulting in an increase in local municipal expenses and direct cost to the citizens during this time of economic hardship.

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

1. The Township opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, therefore shifting the cost of Volunteer EMT Training to volunteer ambulance, first aid, rescue squads and local municipalities.
2. The Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, Chapter 143.
3. That a copy of this resolution be sent to the Honorable Jon Corzine, Governor of the State of New Jersey; the Members of the 21st Legislative District; Chatham Emergency Squad and all Morris County Municipalities urging them to adopt similar resolutions in opposition to this proposal.

Mayor Tubbs said that Resolution 2009-118 was modified to demonstrate that the Township Committee is in support of affordable housing, but they do not believe that COAH is the best approach. Mayor Tubbs also explained the purpose of Resolution 2009-125.

Committeeman O'Connor moved to approve the Consent Agenda. Deputy Mayor Hagner seconded the motion.

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

Discussion

Water Quality Management Ordinances- Riparian Zones Ordinance

ORDINANCE 2009-10

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING LAND DEVELOPMENT ORDINANCE TO PROVIDE FOR REGULATION OF RIPARIAN ZONES

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 at Chapter XXX, Land Development, to provide for regulation of Riparian Zones, as follows:

Section 1

Chapter XXX, LAND DEVELOPMENT, shall be supplemented with the following:

ARTICLE 12

Riparian Zones

30-145. Definitions

The definitions of the words and/or terms utilized in this Article shall be as defined in N.J.A.C. 7:15-1.5, Definitions, as they exist at the time of passage of this ordinance and as they may change from time to time.

30-146. Intent

It is the intent of this Article to provide compliance with NJAC 7:15-5.25(g)3, which requires municipalities to adopt an ordinance regulating new disturbances for projects or activities in riparian zones as part of a Wastewater Management Plan.

- A. Compliance with the riparian zone requirements of this chapter does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

30-147. Riparian Zone Protection

Riparian zones adjacent to all waters as described below in this paragraph shall be protected from avoidable disturbance:

- A. The riparian zone is 300 feet wide along both sides of any Category One water, and all upstream tributaries situated within the same HUC 14 watershed;
- B. The riparian zone is 150 feet wide along both sides of the following waters not identified in A. above:
 - (1) Any trout production water and all upstream waters (including tributaries);
 - (2) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - (3) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - (4) Any segment of a water flowing through an area that contains acid producing soils; and
- C. A riparian zone 50 feet wide shall be maintained along both sides of all waters not subject to A. or B. above.

30-148. Exceptions

- A. The following disturbances are excepted:
 - (1) Redevelopment within the limits of existing impervious surfaces; and
 - (2) The Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), Subchapter 7, Permits by Rule, establishes permits-by-rule for certain regulated activities. This Article hereby adopts by reference said Subchapter as it exists at the time of passage of this ordinance and as it may be modified from time to time, as a means of allowing regulated activities in the riparian zone without any other permits or approvals, except as may be required by

- any other provisions of this Code (e.g., lot grading, tree removal, zoning, site plan). In addition, any permit-by-rule provision that requires notification to The New Jersey Department of Environmental Protection shall also be copied to the Township Engineer.
- (3) New disturbance in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.
- B. An exception to any of the disturbances listed in A(1) and A(2) above shall be granted by the Township Engineer upon proof, in the case of A(1), by virtue of submission of appropriate maps and drawings, that the proposed redevelopment is within the limits of impervious surfaces that existed at the time of passage of this ordinance, or, in the case of A(2), that it complies with the requirements of the applicable NJDEP regulations. Application for an exception under A(1) or A(2) above shall be made in the form of an application for a lot grading plan.
- C. An exception to any of the disturbances listed in A(3) above shall be granted by the Planning Board upon proof, by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance protects public health, safety or welfare; provides an environmental benefit; prevents extraordinary hardship on the property owner peculiar to the property; or prevents extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. The Board of Adjustment shall have the power to grant these same exceptions if an exception is sought in conjunction with an application required to be heard by it in accordance with NJSA 40:55D-1. et. seq. (Municipal Land Use Law).
- D. Appeals of a determination by the Township Engineer made in accordance with B. above may be made to the Planning Board.

30-149. Adjustments

Adjustments to the riparian zones established by this article are allowed to the extent they comply with the Stormwater Management Rules (N.J.A.C. 7:8), and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).

30-150. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

30-151. Severability

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 2

This ordinance shall take effect as provided by law.

Attorney Woodward explained that this is one of four ordinances that the NJDEP wants municipalities to adopt. He also said that this ordinance is modeled on existing State regulations. Mayor Tubbs asked if this ordinance would result in the Township enforcing NJDEP regulations. Attorney Woodward said that it would have that effect, which in some circumstances would be a good thing. Administrator Ciccarone raised a concern about the phrase “avoidable disturbance.” Attorney Woodward said that existing structures could be maintained, but they could not be expanded to further encroach on applicable waterways. Mayor Tubbs asked if this ordinance should go before the Planning Board. Attorney Woodward said that it should, and the Planning Board has 35 days to review it. Engineer Ruschke reiterated that this ordinance does not impose any new regulations; it merely allows the Township to enforce existing State regulations.

Committeeman O’Connor moved to introduce Ordinance 2009-10. Deputy Mayor Hagner seconded the motion.

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

Public Hearing for Ordinance 2009-10 will be scheduled for June 25, 2009.

Electronic Community Bulletin Boards

Deputy Mayor Hagner reported that the two recommended vendors for electronic community bulletin boards are Telvue and Leightronix. Meetings have been held with both vendors, and Deputy Mayor Hagner said that Telvue is the preferred vendor. The two products that the Township would need are the Broadcaster Server and the Inside Module. The cost will be \$8,292.50, which would be a one time fee followed by annual maintenance fees, and there is currently money in the budget for this purpose. Mayor Tubbs asked if it would be possible to obtain a multi-year maintenance cost. Deputy Mayor Hagner said that the five-year plan is cheaper per year than the two-year plan, and the company is flexible enough that years can be added to an existing contract. Furthermore, the Telvue system is user-friendly, and the Township Administrator could retain the discretion to approve postings before they are broadcast. Installation and training fees will also need to be paid. Mr. Salvias described the WEBLINX system, which would allow the Township to download items from Telvue, as well as to upload items from the bulletin board to the Township website. Mayor Tubbs said that the Township would need more people trained on the equipment.

Deputy Mayor Hagner made a motion to release funds in the amount of \$9417.50 to purchase the Telvue system. Committeeman O'Connor seconded the motion, and it carried unanimously.

Grant for Sidewalk Project

Deputy Mayor Hagner reported that the DOT grant application deadline is June 15, 2009 and it is hoped to apply for a sidewalk project. She met with Engineer Ruschke to discuss possible locations, and it was also discussed with the Open Space Committee. The first option is along Shunpike Road from the Hickory Tree Shopping Center to Castle Park. Administrator Ciccarone suggested that such a sidewalk be continued beyond Castle Park to the auxiliary parking lot. Deputy Mayor Hagner suggested that affected residents be made aware of the project. The second proposed project would be from Noe Avenue to Cougar Field. A third area would be along River Road from the Chatham Glen area and then up the section of Southern Boulevard known as Snake Hill. Committeeman O'Connor asked if it would be possible to proceed with other projects if the grant is awarded to the Township. Deputy Mayor Hagner said that the Township could apply for several prioritized projects, and could change the priorities based on DOT recommendations. Committeeman O'Connor asked about prioritization. Administrator Ciccarone said that this plan would set access to recreational facilities as a priority, with Shunpike Field being the top priority since it is currently not accessible by sidewalks. Committeeman Gallop asked how much of a right-of-way is needed for a sidewalk, and Engineer Ruschke said it depends on the particular road. He also asked if it would be possible instead of building traditional sidewalks to build wider structures that could double as a bikeway. Attorney Woodward said that serious bicyclists would be inclined to ride on the street, and would not use such a bikeway. Mayor Tubbs asked if this grant program only applies to new sidewalks, as there are some sidewalks in the Township that are in need of repairs and/or upgrades. Engineer Ruschke said that the grants could apply to fixing existing sidewalks, but he said that the awarding of the grants is based on a point system and installing new sidewalks and upgrading substandard sidewalks would have a priority over fixing existing sidewalks. Deputy Mayor Hagner suggested that the top priority be from Noe Avenue to Cougar Field, with a section from Hickory Tree Mall to Shunpike Field being a secondary priority. Attorney Woodward asked if the grant would be for 100% of the cost of a project, or some percentage of the anticipated cost. Engineer Ruschke said that the grant would be for the amount requested, but an applicant gets more points if they request 80% or less of the estimated amount of a project. He also said that he has never seen a municipality get more than one grant, since the DOT seems to like to spread the wealth. Administrator Ciccarone said that upgrading the sidewalk on Fairmount Avenue would be the most difficult project. Mayor Tubbs questioned the wisdom of submitting applications for more than one project. Engineer Ruschke said that generally the priority project would get more points, but sometimes the DOT would advise that the secondary project should be primary. Engineer Ruschke and Administrator Ciccarone advised that the Township apply for one grant this year, and one grant next year. Committeeman Gallop spoke in favor of the sidewalk from Shunpike Field to Hickory Tree Mall, citing that it would connect a heavily used recreation center and parking areas to the Township's shopping district. Mayor Tubbs also mentioned that some Madison residents would also benefit from this project and that Madison might endorse this project as well. Administrator Ciccarone said that members of the Sunset Lake community have in the past requested installation of sidewalks along Shunpike Road. He also indicated that a resolution would be necessary at the next meeting authorizing the grant submission.

Letter from Chatham Township PBA Local 170

Administrator Ciccarone said that the letter is a request from the PBA for permission to hold their annual fireworks display at Shunpike Field on June 20, 2009.

Committeeman Gallop moved to grant permission for the fireworks display. Deputy Mayor Hagner seconded the motion, and it carried unanimously.

Clothing Bin Regulations

ORDINANCE 2009-11

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO REGULATE THE PLACEMENT AND USE OF CLOTHING BINS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, New Jersey, that the Code of the Township of Chatham is hereby amended to add Section 18-5, Clothing Recycling, to Chapter XVIII, Solid Waste Management, as follows:

1. Chapter XVIII, Solid Waste Management

Section 18-5. Clothing Recycling

18-5.1 Clothing Bins.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

- A. The donation clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16 or any person; and
- B. The registered charitable organization or the person has obtained a permit valid for a period of one year, from the Zoning Officer in accordance with the following:

1. In applying for such a permit, the registered charitable organization or person shall include:

- a) The location where the bin would be situated, as precisely as possible;
- b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- c) The name, address, and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;
- d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pick-up; and
- e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

2. The Zoning Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if he/she determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.

3. The fee for such application for the zoning permit shall be \$25.00.

4. An expiring permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the \$25.00 renewal fee and by application that shall include the following information:

- a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;
- b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;
- c) The name, address and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

- d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pick-up; and
- e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property;

5. The following information shall be clearly and conspicuously written in either paint or permanent marker on the exterior of the donation clothing bin:

- a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin.
- b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.
- c) The charitable organization's registration number, permit number and its date of expiration.
- d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations.
- e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

C. The Zoning Officer or his designee shall receive and investigate, within 45 days, any complaints from the public about the bin.

1. Whenever it appears to the Zoning Officer or his designee that an organization or a person has engaged in or is engaging in any act or practice in violation of this ordinance, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 15 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within 15 days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.

3. In addition to any other penalties or remedies under this ordinance, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty for each violation as specified pursuant to Section 1-5, Penalties, of the Code of the Township of Chatham.

D. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

2. Repealer All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section 3. Effective Date. This ordinance shall take effect as provided by law.

Attorney Woodward said that this ordinance stems from a request from a charitable organization seeking permission to put clothing bins at the Hickory Tree Mall. He also said that there is some recent legislation that allows only charitable organizations to operate clothing bins. The proposed ordinance would require organizations to obtain a permit prior to putting up clothing bins, and the permit would be obtained from the zoning officer. Attorney Woodward also pointed out that there are currently bins at the recycling center.

Committeeman O'Connor moved to introduce Ordinance 2009-11. Deputy Mayor Hagner seconded the motion.

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

Public Hearing for Ordinance 2009-11 will be scheduled for June 11, 2009.

Summer Schedule

Mayor Tubbs said that last year, the municipal staff had a summer schedule in which the Municipal Building closed early on Fridays. Administrator Ciccarone said that the length of lunch breaks was reduced in order to make up the time. Committeeman Gallop suggested having such hours for July and August.

Executive Session

**RESOLUTION 2009-P-07
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

Potential Litigation

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

Committeeman Gallop moved to adopt Resolution 2009-P-07 to go into Executive Session at 9:29 P.M. Committeeman O'Connor seconded the motion.

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

The Committee returned from Executive Session at 9:48 PM.

Committeeman Gallop moved to adjourn at 9:48 PM. Committeeman O'Connor seconded the motion, and it carried unanimously.

Joy M. Wiley
Municipal Clerk