

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JUNE 25 2009

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:36 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 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 a short prayer and 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 discussion on the clothing bin ordinance would be postponed to the July 9, 2009 meeting. Engineer Ruschke said that he had matters to discuss regarding Shunpike Field, which would need to be discussed during Executive Session.

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

Reports

Deputy Mayor Hagner reported that this meeting is being broadcast live over Verizon FiOS. Township Committee meetings are not yet being broadcast live on Comcast, but they are working on an agreement. The electronic bulletin board should begin to be broadcast right after Labor Day, and Deputy Mayor Hagner thanked Tom Salvas for all his hard work in this process. The Bikeway/Walkway Plan was presented at a Planning Board meeting, and it will be voted on at their next meeting. Committeeman Brower asked if copies of the video recordings of Township Committee meetings are available yet. Deputy Mayor Hagner said that they are not yet available, but they are working toward having them available. Administrator Ciccarone said that copies could be made upon request, but mass production of the DVD's would be problematic. Committeeman Gallop reported that he has been working with the Environmental Commission to update their website. Mayor Tubbs reported that the first AED's have been installed, and he thanked all those who were involved in obtaining and installing them. Committeeman Gallop noted that Recreation Director Tom Denning was an aggressive supporter of the installation of AED's. Mayor Tubbs said that there was a Public Safety Committee meeting, and they expect the accreditation process to be complete by the first quarter of next year. Discussions are also ongoing with the residents of Maple Street regarding the parking issues that were raised at prior Township Committee meetings. Mayor Tubbs also reported that the Morris County Freeholders met in the Township Municipal Building on June 24, 2009. Paving of Shunpike Road was discussed by the Freeholders, as was a library drop-off point at the Municipal Building. They also discussed possibly hosting a Household Hazardous Waste Day in the Township. Morris County might also be moving toward the development of a countywide dispatching system. Administrator Ciccarone noted that he received a voicemail message from the director of the Morris County Municipal Utilities Authority regarding a possible hazardous waste collection event, and he hopes to get in touch with them on Friday. Mayor Tubbs noted that the father of Township Attorney Carl Woodward passed away recently. Engineer Ruschke reported that he performed a detailed assessment of all the sidewalks in the Township to note structural deficiencies. He said that separate prioritization lists would be created for maintenance to existing sidewalks and for expansion projects. A report will be created for the next meeting. Regarding Shunpike Field, Engineer Ruschke reported that the DEP has indicated that the permit application will be approved, and they want some supplemental information, including a survey

of the tree line. Mayor Tubbs added that Engineer Ruschke has been asked to prepare an engineering proposal so that they can begin the project upon approval.

Hearing of Citizens

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

Public Hearing/Final Adoption of Ordinances

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.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-10.

Hearing no comment, Mayor Tubbs closed the Public Hearing.

Mayor Tubbs noted that this ordinance would enact regulations that are already in effect at the state level. Engineer Ruschke said that it is being mandated as part of the wastewater management process. Committeeman Brower spoke against DEP interference in municipal affairs.

Deputy Mayor Hagner moved to adopt Ordinance 2009-10. Mayor Tubbs seconded the motion.

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

**ORDINANCE 2009-12
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE
TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$1,269,500 THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$1,206,000 BONDS OR NOTES OF THE TOWNSHIP
FOR FINANCING PART OF THE COSTS THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,269,500, including the aggregate sum of \$63,500 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,206,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows, and are more particularly described in the plans and specifications on file with the Township, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

| Improvement or Purpose | | Appropriation & Estimated Cost | Maximum Amount of Bonds or Notes | Useful Life |
|------------------------|---|--------------------------------|----------------------------------|-------------|
| 1. | Purchase of DPW equipment including but not limited to wide area mower; skid steer with attachment | \$132,000 | \$125,400 | 5 |
| 2. | Building improvements including but not limited to replacement of compressor on air conditioner unit | 25,000 | 23,750 | 15 |
| 3. | Road improvements | 50,000 | 47,500 | 15 |
| 4. | Recreation improvements including but not limited to improvements to Shunpike Field | 750,000 | 712,500 | 15 |
| 5. | Acquisition and installation of oil separator for DPW facility | 75,000 | 71,250 | 15 |
| 6. | Acquisition of emergency equipment for volunteer fire departments | 50,000 | 47,500 | 15 |
| 7. | Underground Storage Tank Remediation at DPW | 100,000 | 95,000 | 15 |
| 8. | Acquisition of police equipment including but not limited to telephone system, digital recording system, replacement of computer server | 87,500 | 83,100 | 7 |
| TOTAL | | \$1,269,500 | \$1,206,000 | |

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Township of Chatham is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and

capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants received by the Township for any purpose set forth in Section 3 hereof are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 12.984 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$1,206,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-12.
Hearing no comment, Mayor Tubbs closed the Public Hearing.

Administrator Ciccarone said that this ordinance authorizes eight categories of capital improvement that were included in the capital budget.

Committeeman Brower moved to adopt Ordinance 2009-12. 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.

Consent Agenda

RESOLUTION 2009-138 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 – May
- Animal Control – May
- Chatham Emergency Squad – May
- Municipal Court – May
- Construction Official – May
- Police Department – May
- Public Works – June

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:
Open Space – May

RESOLUTION 2009-139
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 June 11, 2009.

RESOLUTION 2009-140
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> |
|---|-------------------|---------------|
| Walter Wu GC (NJ) Inc 271 Gramercy Place Glen Rock, NJ 07452 | 7760011218 | \$577.00 |

Property Location: 27 Susan Drive
ROI 08-20-19

RESOLUTION 2009-141
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

WHEREAS, applications for the renewal of Alcoholic Beverage Licenses in the Township of Chatham for the fiscal year beginning July 1, 2009 have been made by Kanhaee Inc. and N and M Chatham Inc.;

WHEREAS, the applicants have complied with all the requirements of "An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages", known as the "Alcoholic Beverage Act and Amendments and Supplements thereto", as well as the Ordinance of the Township of Chatham entitled "An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages", as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver plenary retail distribution licenses as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2009, as follows:

To Kanhaee Inc., trading as the Chatham Wine & Liquor, for premises situate at 650 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-004-005).

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situate at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-007).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

RESOLUTION 2009-142

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 & ADDRESS</u> | <u>AMOUNT</u> |
|--------------|------------|--|---------------|
| 34 | 29 | First American P.O. Box 961230 Fort Worth, TX 76161 Re: 89 Susan Drive | \$3202.50 |
| 83 | 50 | Cartus Property Management Attn: Susan Piskura 40 Apple Ridge Road Danbury CT 06810 Re: 12 Lincoln CTR | \$10,996.63 |

**RESOLUTION 2009-143
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIRE DEPARTMENT MEMBERSHIP**

WHEREAS, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and

WHEREAS, members of both departments are eligible for membership in N.J. State Firemen’s Association as provided by applicable law; and

WHEREAS, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

| <u>NAME</u> | <u>FIRE DEPARTMENT</u> |
|---------------------|--|
| Alexander W. Mruk | Chatham Township Volunteer Fire Department |
| Robert J. Sagendorf | Chatham Township Volunteer Fire Department |
| Andrew J. Soccodato | Chatham Township Volunteer Fire Department |
| James D. Wood | Chatham Township Volunteer Fire Department |

**RESOLUTION 2009-144
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CORPUS CHRISTI CHURCH**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by Corpus Christi Church on November 22, 2009 at Corpus Christi Church are hereby approved.

**RESOLUTION 2009-145
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

| <u>Name of Organization</u> | <u>Dates of Social Affair</u> | <u>Place where Affair will be held</u> |
|-----------------------------|-------------------------------|--|
| Noe Pond Club | August 9, 2009 | Noe Pond Club 395 Southern Blvd. Chatham, NJ 07928 |

Administrator Ciccarone asked that the names of the new members of the Chatham Township Volunteer Fire Department be read aloud so as to give them recognition.

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

Roll call on Consent Agenda: Committeeman Gallop, Aye, (Abstain on Resolution 2009-144); Committeeman O'Connor, Aye (Abstain on Resolution 2009-144); Committeeman Brower, Aye (Abstain on Resolution 2009-145); Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

Discussion

DPW Underground Storage Tank Remediation

Mayor Tubbs said that one of the items in the bond ordinance involves appropriations for the remediation of an underground storage tank at the DPW facility, and he had requested an update on the process. Engineer Ruschke explained that there were several underground storage tanks at the site containing petroleum products. The tanks leaked, and in 1992 they were removed. Soil and groundwater in that vicinity was contaminated, and a groundwater remediation system was installed to prevent the spread of contamination to the Great Swamp. There is still a limited area faced with groundwater contamination. The groundwater remediation system is set up to pump the water into the sanitary sewer system whereby it is adequately treated at the sewer plant. There is some monthly monitoring that needs to be done, but it will be proposed to reduce the amount of sampling, which would reduce the remediation costs. Committeeman Brower asked about the size of the tanks that had been removed. Engineer Ruschke and Public Works Director Joe Barilla said that there were three 2,000-gallon tanks removed.

Sustainable NJ Resolution

Committeeman O'Connor said that the Planning Board has reviewed the model resolution for a Sustainable Land Use Pledge, and they have indicated their support for the resolution. As it is currently a model resolution, it can be modified as necessary. Committeeman O'Connor also explained that the resolution would follow the introduction and adoption procedures of an ordinance so as to allow for a period of public comment. Administrator Ciccarone said that the issue he has with the model resolution is that it has language about using zoning to foster a diverse mix of housing types, because during the development of the current Fair Share Plan it was specifically decided not to use zoning to achieve affordable housing goals. He also raised a concern about the section that addresses mixed land uses that would allow for residential units above retail stores. Mayor Tubbs suggested that the resolution be changed to read "mixed use where appropriate," and not have a specific example. Committeeman Brower asked if the language in the resolution was mandatory, or if it could be modified. Administrator Ciccarone said that it could be modified so long as the changes are consistent with the spirit of the model resolution. Deputy Mayor Hagner asked if this resolution is necessary to get the Sustainable NJ Certification. Committeeman O'Connor said that it is needed. Mr. Carroll from the Environmental Commission addressed the benefits of obtaining certification. Committeeman Gallop asked if there is any legal significance to a pledge resolution. Attorney Brian Fenlon said that the pledge resolution is more of a policy statement, and he does not see how a developer could object. Mayor Tubbs said that the clause that addresses regional cooperation should indicate that if the Township is going to take into consideration the concerns of neighboring municipalities, then the other municipalities should take into account the concerns of the Township. Committeeman Brower spoke against making any sort of a pledge. Mayor Tubbs said that a revised version of this proposed resolution would be acted upon at the next meeting.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

Hearing none, Mayor Tubbs closed the Hearing of Citizens.

Executive Session

**RESOLUTION 2009-P-08
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 concerning Combe Fill South
Police Personnel Issues
Negotiations regarding Shunpike Field

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 Brower moved to approve Resolution 2009-P-08 to go into Executive Session at 8:52 P.M. 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.

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

The Committee returned from Executive Session at 9:30 P.M.

**RESOLUTION 2009-146
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM AUTHORIZING PAYMENT TO COFFEY & ASSOCIATES
ATTORNEY TRUST FUND AND RELEASING PAYMENT TO GREGORY COFFEY**

BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves payment to Coffey & Associates Attorney Trust Fund in the amount of \$5,500.00 for liaison counsel fees pertaining to the Combe Fill South Landfill Case.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Chatham authorizes the release of payment to Gregory Coffey, Esq., that was approved at a previous meeting, but held.

Committeeman Brower moved to pass Resolution 2009-146. 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 9:31 P.M. Committeeman O'Connor seconded the motion, and it carried unanimously.

Joy M. Wiley
Municipal Clerk