

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JULY 13, 2006

Mayor O'Connor called the regular meeting of the Township Committee of the Township of Chatham to order at 7:40 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 9, 2006; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9, 2006; and notice was filed with the Township Clerk on January 9, 2006.

Mayor O'Connor led the flag salute.

Roll Call

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

Approval of Agenda

Engineer Ruschke requested that possible Soil Erosion & Sediment Control ordinance changes be discussed. Mayor O'Connor added that a petition to widen shoulders on Green Village Road had been received, and wanted to add it to the agenda as a discussion item. Deputy Mayor Brower moved to approve the agenda as amended, and Committeewoman Hagner seconded the motion. The motion carried unanimously.

Reports

Lum Field

Committeewoman Hagner informed the Township Committee at the Borough Council Meeting on Monday, July 10, 2006, the artificial turfing of Lum Field was approved.

Skate Park

Deputy Mayor Brower read some observations regarding the Skate Park. First, he is concerned about the 45 Police reports filed as of March 21, 2006. There were three serious injuries, in addition to various other continuing problems, including a few acts of vandalism. Secondly, wire-mesh fencing is still needed on the guardrail system. Another problem is that most users of the park are out-of-towners. Current estimates suggest that up to 80% of the users of the Skate Park are not from Chatham Township. Deputy Mayor Brower would like to see a requirement that users of the park obtain photo ID's that must be shown on demand to the police who patrol the park. A major benefit to the use of ID's would be to expedite the contacting of parents in the event that a child needs to be brought to a medical facility in the event of injury. Deputy Mayor Brower is also concerned about the Township's liability coverage if a serious injury were to occur and feels that restricting the use of the Skate Park to Chatham Township and Chatham Borough residents would help limit the Township's risk of a lawsuit. Another suggestion is that when work is performed on Shunpike Fields, that the Skate Park be moved to Shunpike rather than remain at its present location on Southern Boulevard. The new location would be safer, have access to restrooms, and offer better parking.

Oak Knoll Drainage

Committeeman Hartford discussed the drainage problem at Oak Knoll. An application had been made to NJDEP to repair or replace a blocked pipe. There is a deed restriction that prevents disturbance to the wetlands, however in order to work on the pipe the wetlands would have to be disturbed. Despite the delays, the repairs that have been done have been working well. Engineer Ruschke indicated that he has been monitoring the site, and the efforts to clear the pipe have been working. Committeeman Hartford mentioned that there is a drainage retention basin across the street. Engineer Ruschke stated that time is needed to secure funding and create a schedule for maintenance work on the drainage structure.

Ordinance pertaining to Children with Developmental Disabilities

Committeeman Hartford indicated a desire for an ordinance relating to children with developmental disabilities. This ordinance would create a Mayor’s Advisory Committee, and Committeeman Hartford has spoken with the liaison from the Tom’s River committee, as Tom’s River already has such a committee. Committeeman Hartford is also trying to put together a group of interested individuals from the Township to serve on the committee if it is created.

Drought Watch

Deputy Mayor Brower pointed out that the State of New Jersey has lifted the drought watch that went into effect in May 2006.

September 11th Memorial

Mayor O’Connor announced that on Sunday, September 10, 2006 at 7:00pm, there would be a candlelight vigil on West Hanover Avenue in Parsippany, NJ.

Criminal Street Gangs

The New Jersey League of Municipalities will be holding a three-part program for governing bodies, police chiefs and department heads on how to deal with criminal street gangs.

Certification of Annual Audit & Property Tax Due Date

Administrator Ciccarone called to the Committee’s attention two resolutions in the Consent Agenda. Resolution 2006-145 deals with certifying the Annual Audit, and carries with it an affidavit indicating that the Committee members have read at least the comments and recommendations section. Resolution 2006-150 sets the due date for property taxes on September 5, 2006, as opposed to August 1, 2006. This is on account of the delays on passage of a State Budget. The grace period for tardiness will extend until September 15, 2006, and delinquency beyond the 15th will result in interest accrued from September 5th onward.

Tax Sale

Attorney Woodward reported that the tax sale on the S.W. Chatham properties took place on July 3, 2006. Ron Gunn, a developer, was the winning bidder on each lot. In each case, the amount of the bid exceeded the amount of the tax liens. The owner had a right to redeem within 10 days, which expired on July 13, 2006, the date of this meeting. The closing on the properties must take place by August 3, 2006, at which time the Township can soon expect to receive it’s share of the proceeds of the sale.

Mt. Vernon Avenue Bridge

Mayor O’Connor asked Engineer Ruschke if the Mt. Vernon Bridge appears as if it will be finished by September. Engineer Ruschke stated that there appears to be more activity at the construction site. Patrolman Bob Curtis indicated that he thinks it will be done by September. Deputy Mayor Brower asked about the status of the Long Hill Lane road improvements. Engineer Ruschke said that the organization he tried to meet with to discuss the project has been too busy for a pre-construction meeting, and he has requested meeting with a different case manager. Engineer Ruschke wants feedback from the NJDEP as to possible environmental impacts of work done on the site as it has a close proximity to wetlands.

Board of Education

Administrator Ciccarone reported that the Board of Education moved into the Municipal Building on July 12, 2006. The Board of Education’s phone lines are not yet working, but should be soon.

Introduction of Ordinances

ORDINANCE 2006-16

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROHIBITING CONSTRUCTION AND CONTRACOTR ACTIVITIES ON SUNDAY AND FEDERAL HOLIDAYS

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 as follows:

1. Chapter III, Police Regulations, is amended to add a new section captioned **Construction and Contractor Activity on Sundays and Holidays** as follows:

3-9 CONSTRUCTION AND CONTRACTOR ACTIVITY ON SUNDAYS AND HOLIDAYS

3-9.1 Definitions. As used in this section:

Construction or Contractor Activity shall mean work performed by contractors for hire on any property within the Township of Chatham.

Holidays shall mean nationally designated holidays, for example, Christmas, 4th of July, Labor Day, Thanksgiving.

Person as defined as any individual, corporation, partnership, sole proprietorship, or other business entity, and any property owner, tenant or occupant of property within the Township of Chatham.

3-9.2 Construction and Contractor Activity on Sundays and Holidays Prohibited.

No Construction or Contractor Activity shall take place on property within the Township of Chatham on Sundays or Holidays, provided that in the event of an emergency unique to the property or to the community at large this regulation shall not apply.

3-9.3 Enforcement.

This ordinance shall be enforced by the Police Department, the Township Engineer, the Construction Official, the Zoning Officer and such other persons as may be designated by the Township Administrator.

3-9.4 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth at Section 1-5, General Penalty, of the Code of the Township of Chatham.

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

Mayor O'Connor gave a brief history of this ordinance, reporting that two different residents living in different neighborhoods complained that construction was being performed in their neighborhoods early in the morning of Memorial Day. These complaints identified a need for an ordinance prohibiting professional construction on holidays. Deputy Mayor Brower asked if this would affect people doing the work themselves on their homes. Mayor O'Connor indicated that this only affects commercial contractors. Attorney Woodward stated that under the definition of terms in the ordinance, a person could still do the work himself or herself on a Sunday or holiday, but that a contractor could not perform work on said days. Deputy Mayor Brower asked if there could be regulations as to what time somebody could start performing work on their homes. Attorney Woodward warned that the enumeration of prohibited construction-related activities would be a cumbersome process, and it would be hard to be adequately inclusive of prohibited activities. Attorney Woodward also indicated that the Board of Health regulates noise, which is why the ordinance prohibits the activities themselves without addressing noise issues. Mayor O'Connor indicated that this is a general nuisance ordinance. Deputy Mayor Brower expressed concern about the definition in the ordinance of the word "person" and a change was made to the wording in the draft ordinance. Attorney Woodward said that it was important to specify that all business entities working for hire on a house that would be prohibited. Committeeman Hartford said that he is pleased with the ordinance, and hopes that Attorney Woodward is confident that the ordinance is defensible. Attorney Woodward responded that he refrained from straying too closely to noise issues so as not to tread on Board of Health jurisdiction, and that the ordinance should be able to stand up. Committeeman Hartford went on to discuss the current trend of redevelopment, and how there appears to be no end in sight. Committeeman Hartford indicated that with regard to noise issues, both the Board of Health and the State of New Jersey already regulate the time of day when many noisy activities can occur. Also, Committeeman Hartford asked if the fine would be imposed on the property owner or the contractor. Attorney Woodward explained that the fine would be imposed on both, and that this ordinance also includes landscapers. Committeeman Hartford also asked if a provision for warnings to be issued should be part of this ordinance. Attorney Woodward further explained that such a provision would not need to be added to the ordinance, as the responding officer would already have the discretion to issue warnings.

Deputy Mayor Brower made a motion to introduce Ordinance 2006-16. Committeewoman Hagner seconded the motion.

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

Ordinance 2006-16 will be scheduled for public hearing and final adoption on July 27, 2006.

Consent Agenda

RESOLUTION 2006-136

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT FOR PLANNING SERVICES IN PREPARING A WALKWAY/BIKEWAY PLAN.

WHEREAS, the Township of Chatham is in need of Professional Planning Services to assist in the preparation of a Walkway/Bikeway Plan for the Township of Chatham, and

WHEREAS, the Township of Chatham wishes to have Frank Banisch and Banisch Associates Inc., who presently serves as the Township's Planner perform the required work and

WHEREAS, the Township of Chatham has received a Proposal and Scope of Work from Banisch Dated June 16th, 2006

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Banisch Associates, Inc. is hereby awarded a contract to provide services described in a letter proposal dated June 16, 2006, a copy of which is on file in the office of the Municipal Clerk, for a fee of \$35,000.00. Any additional service required shall be billed in accordance with the firm's hourly rates, as outlined in Attachment A, included with the letter proposal.

RESOLUTION 2006-139

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>
Township of Chatham	September 9, 2006	Shunpike Fields Shunpike Road Chatham, NJ 07928

RESOLUTION 2006-141

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 \$1,042,402.14 and the prior month's payroll of \$446,813.71 Current Fund, \$43,445.10 Sewer No. 1, \$7,505.52 Sewer No. 2, and \$15,345.95 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of July 2006, in the amount of \$3,044,737.10 be paid.

RESOLUTION 2006-142

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 13, 2006, April 20, 2006, May 11, 2006, May 25, 2006 and June 8, 2006.

RESOLUTION 2006-143

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 22 NICHOLSON DRIVE

WHEREAS, the Township Engineer has certified that all applications requirements for 22 Nicholson Drive, Block 62.08, Lot 2 including the payment of the administrative review fee have been met and that sewer capacity is available.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 22 Nicholson Drive, Block 62.08, Lot 2.

RESOLUTION 2006-145

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CERTIFYING REVIEW OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2006-146

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 20, 2006, May 11, 2006 and June 8, 2006.

RESOLUTION 2006-147

**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>
New Cingular Wireless PCS LLC	7200012994	\$1063.75

Judith A. Babinski, ESQ
Pitney Hardin LLP
PO BOX 1945
Morristown, NJ 07962

405 Southern Boulevard
Block 48.16 Lot 117.27

RESOLUTION 2006-148

**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 judgment, 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>
65.01	8.10	Countrywide Tax Service Corporation Attn: Receivables Unit (Grace Gomez) 1757 Tapo Canyon Road Simi Valley, CA 93063 Property: 22A Canterbury Road	\$1050.39
State Judgment	86	12 John Zimmerman 190 Lafayette Ave Chatham, NJ 07928	\$462.00

RESOLUTION 2006-149

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF
NEW JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE
SISTERS OF THE HOLY CHILD JESUS (OAK KNOLL SCHOOL), BLOCK 144,
LOTS 33, 34, 34.01, 35 & 36**

WHEREAS, the Planning Board has granted preliminary and final site plan approval for athletic fields on property owned by the Sisters of the Holy Child Jesus, also known as the Oak Knoll School (the developer), Block 144, Lots 33, 34, 34.01, 35 & 36 (the subject property); and

WHEREAS, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

WHEREAS, as set forth by the Township Engineer, John Ruschke, P.E., in his report dated July 12, 2006, the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$60,000, which covers the remaining work described by the engineer's report;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the report of John Ruschke, P.E., dated July 12, 2006, to the amount of \$60,000, and that release of the performance guaranty in excess of that amount is hereby authorized, and further provided that no relief granted herein shall be construed to relieve the developer from the obligation, once all work is completed and accepted, to post a maintenance guaranty in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

RESOLUTION 2006-150

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SETTING DUE DATE FOR TAXES

WHEREAS, due to the delay in the certification of state aid figures which in turn delayed the certification of the tax rate by the County, the tax collector has recommended that the due date for the third quarter taxes be changed from August 1, 2006 to September 5, 2006;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that September 5, 2006 be established, as the date taxes are due for the third quarter.

BE IT FURTHER RESOLVED that there shall be a ten (10) day grace period extending to September 15, 2006 at which time interest will accrue back to September 5, 2006.

RESOLUTION 2006-151

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.

NAME

FIRE DEPARTMENT

Joseph C. Sciaretta, Jr.

Green Village Volunteer Fire Department

Mayor O'Connor asked Administrator Ciccarone to explain to the Township Committee what effects Resolution 2006-144 will have. Administrator Ciccarone explained that the resolution approves the interlocal agreement with Chatham Borough and the Chatham Athletic Foundation (CAF), which would commit the Township to provide 1/3 of the funding for the artificial turfing of Lum Field, an amount not to exceed \$350,000. The Borough will provide the same amount of

funding, as will the Chatham Athletic Foundation. The Borough will be managing the project, and has also committed to participate in an equivalent arrangement for the artificial turfing of a field in the Township at a later date. Committeewoman Hagner raised a concern that it is possible that such a project would not take place in the Township, and consequently the Committee would have spent Township money on the improvements of another town's field without receiving reciprocation on the arrangement. Administrator Ciccarone responded by indicating that the commitment is absolute, and that simply turfing Lum Field alone will not be sufficient to meet the increasing needs of the communities. Committeeman Hartford asked about the status of the interlocal agreement per the resolution. Administrator Ciccarone again explained that the resolution is approving the interlocal agreement and allowing Mayor O'Connor to sign the agreement. Committeeman Hartford also raised concern about the CAF's ability to raise their share of the funding. Administrator Ciccarone reported that the CAF already has the bulk of the funds already in hand, and has received commitments for the remaining amounts. Raising further concern, Committeeman Hartford does not feel as though the concerns of residents living near Lum Field were adequately addressed. Administrator Ciccarone reminded the Committee that Lum Field was selected because it was underutilized, and that the field had been there long before the current residents moved into the neighborhood. In regards to the concern over lights, Administrator Ciccarone pointed out that there are currently no proposals for permanent lights, and that use of temporary lights would be limited. In general, Administrator Ciccarone does not feel as though the neighborhood will be negatively impacted the way that some of the residents fear it will be. Mayor O'Connor indicated that he is comfortable with the extent to which the Township Committee has addressed the concerns, especially since the Borough is the lead agency on the project. Deputy Mayor Brower indicated that he is impressed with the quality of people comprising the Chatham Athletic Foundation, and that they have the money to fund this project. Further, Deputy Mayor Brower indicated that the credibility of the CAF would be ruined if they backed down on this agreement, thus it is logical that they would find a way to raise the necessary funding. Also, Deputy Mayor Brower stated that as there is a joint recreation program, now that the Borough is going forward with the turfing of Lum Field, it will be incumbent upon the Township to keep its word and have a field in the Township turfed. Committeeman Hartford stated that he still has some concerns about the agreement as such and pointed out that there needs to be some compromises. Secondly, as the money has to be available before the project moves forward, there is time to work out some of the concerns of area residents. Third, Committeeman Hartford does not feel as though the Township Committee can justifiably spend taxpayer money on this project without taking some responsibility for how the project will impact the local residents. Committeeman Hartford would like to see an agreement indicating that the Borough will address the impact issues such as traffic and lights. Citing several examples, Administrator Ciccarone indicated that the Borough already is addressing the concerns of Borough residents, and that it is the responsibility of the Borough Council, not the Township Committee, to address the concerns of Borough residents. Committeewoman Hagner reported that the Joint Recreation Advisory Committee has also responded to resident concerns, and that the traffic issue has been resolved. Mayor O'Connor pulled Resolution 2006-144 from the Consent Agenda so that it could be voted upon separately.

With regard to Resolution 2006-149, Committeeman Hartford wanted to know what the basis was for the bond reduction. Mayor O'Connor indicated that the performance guaranty may be reduced to the amount of \$60,000 due to public improvements.

With regard to Resolution 2006-151, Committeeman Hartford asked if the purpose of certifying the fire department member was to make the firefighter in question eligible for the New Jersey State Fireman's Association. Administrator Ciccarone indicated that all new members of the fire departments need to be approved by the Township Committee, as they are under the jurisdiction of the Committee.

Deputy Mayor Brower addressed the professional fees in the Banisch Proposal in Resolution 2006-136. The original proposal had a fixed cost of \$35,000 for the bike path; Deputy Mayor Brower reports that if there are insurmountable obstacles, the Township will not be responsible for the full \$35,000. Administrator Ciccarone indicated that he had contacted Planner Banisch requesting that a revised proposal be prepared with a breakdown of the cost phases so that if insurmountable obstacles arise, payment for services rendered can still be issued. Deputy Mayor Brower further stated that he had made a suggestion several years ago that bike paths be created along Southern Boulevard and Shunpike Road, but that Morris County rejected the idea, hence his concern over the pay schedule for this project. Committeeman Hartford asked if the

resolution would commit the Township to award the contract, which he would be uncomfortable doing without seeing more detail. Administrator Ciccarone indicated that the only difference between the original contract and revised contract is that instead of a lump sum payment, Banisch & Associates will provide a cost breakdown to allow for a payment schedule. The scope of work, however, will remain the same.

Deputy Mayor Brower asked about the cost of summer band activities in Resolution 2006-141. Administrator Ciccarone explained that the payments in the resolution are for the instructors of classes, and that participants pay a fee which offsets the payments made to instructors. Deputy Mayor Brower also asked if the payment to NJ American Water Company was for the rental of fire hydrants. Administrator Ciccarone explained that the fees are for rent and maintenance of the hydrants. Committeeman Hartford discussed the notion of creating fire districts, and that there may be a better way to finance the maintenance of hydrants.

Deputy Mayor Brower moved to adopt the Consent Agenda as modified. Committeeman Hartford seconded the motion.

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

RESOLUTION 2006-144

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE AN INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF CHATHAM AND THE BOROUGH OF CHATHAM REGARDING THE REPAIR, RENOVATION AND REFURBISHMENT OF "LUM FIELD," LOCATED IN THE BOROUGH OF CHATHAM, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF ARTIFICIAL TURF

WHEREAS, the Township of Chatham (the "Township") and the Borough of Chatham (the "Borough") have mutual interests in the repair, renovation and refurbishment of various recreational fields located in the Township of Chatham and the Borough of Chatham; and

WHEREAS, the Township and the Borough to further such mutual interests intend to enter into an interlocal services agreement pursuant to State Law, specifically N.J.S.A. 40:8A-1 et. seq. [the Interlocal Services Act], N.J.S.A. 40:12-9, to repair, renovate and refurbish the subject premises known as "Lum Field" for active recreational purposes, including the installation of artificial turf; and

WHEREAS, the Township and the Borough have provided for joint shared recreation and athletic services by ordinance under the auspices of the Joint Recreation Committee in order to avoid having to incur largely duplicative costs to upgrade their programs, facilities, and fields; and

WHEREAS, the Township Committee of the Township of Chatham, duly elected pursuant to statute, have concluded that the residents of Chatham Township will be best served when the grounds of "Lum Field" are repaired, renovated and refurbished, including but not limited to the installation of artificial turf, for the betterment of the joint recreation and athletic programs of the Chathams; and

WHEREAS, by negotiations previously between the Township and the Borough, these entities have agreed to take the necessary steps to repair, renovate and refurbish the grounds of "Lum Field," which are for the betterment of the joint recreation and athletic programs of the Chathams, which repair, renovation and refurbishment shall be limited only to "Lum Field" itself, and does not include such design concepts on the subject matter of parking lots, fencing for aesthetics, or lighting; and

WHEREAS, the Township, by negotiations previously by and between it and the Borough will, through its municipal engineer, develop the necessary plans and specifications relative to the above-referenced project; and

WHEREAS, by negotiations previously between the Township and the Borough, it is recognized by both entities that the Borough owns the property in question and must formally approve any plans and/or specifications for any projects to be completed on the property known as "Lum Field," and hence will be the lead agency in all jurisdictional, governmental and administrative matters which affect the "Lum Field" Project; and

WHEREAS, The Chatham Athletic Foundation, Inc. (the “Foundation”) is a 501(c)(3) tax exempt organization which was created to promote youth athletics, and to focus on reducing the local government’s burden of improving and maintaining athletic fields within the Borough, the Township, and the Chatham School District; and

WHEREAS, the Foundation has agreed to guarantee the payment of one-third (1/3rd) of the cost of the repair, renovation and refurbishment incurred by the Township and the Borough for the “Lum Field” Project;

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

1. The Township of Chatham hereby approves and authorizes the Mayor and Township Clerk to execute an “Interlocal Services Agreement Between the Township of Chatham and the Borough of Chatham” for the repair, renovation and refurbishment of “Lum Field” located in the Borough of Chatham, including but not limited to the installation of artificial turf; and
2. A copy of the Interlocal Services Agreement shall be filed with the Municipal Clerk and shall be open to public inspection immediately after the introduction of this Resolution; and
3. The Interlocal Services Agreement shall take effect upon adoption of appropriate resolutions by all the parties to the Agreement.

Attorney Woodward read the additional language to be added to the interlocal agreement, that should a field not be artificially turfed in the Township, that the Borough will refund to the Township the amount paid toward the turfing of Lum Field.

Deputy Mayor Brower moved to pass Resolution 2006-144. Committeewoman Hagner seconded the motion.

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

Following further discussion later in the meeting, the Committee agreed that the interlocal agreement did not need to be amended.

Discussion: possible ordinance or resolution

Soil Erosion & Sediment Control

Engineer Ruschke gave a brief history and explanation of state laws regarding soil conservation. In 1976, 15 soil conservation districts were created, and Chatham Township has been exempt from regulation by a district due to ordinances that meet or exceed the regulations set by the districts. Certain activities are regulated by the soil conservation regulations, such as the demolition of homes. The State of New Jersey has adopted new rules, and the Township will need to revise ordinances to comply with the new regulations in order to retain this exemption. If the Township chooses to waive the exemption, Engineer Ruschke recommends changing the lot-grading ordinance to regulate disturbances greater than 5000 sq. ft. Also, if the exemption were waived, property owners performing teardowns would require an additional permit from Morris County, which would cost about \$725. The Township would not lose enforcement authority, and waiving the exemption would have the advantage of having an additional organization enforcing the SESC regulations. Keeping the exemption status would, on the other hand, only create more paperwork for Township employees. Committeeman Hartford would like more input, as he is not sure what the right choice would be and asked to know if the Township’s regulations would be more or less strict. Engineer Ruschke explained that the lot-grading ordinance would be changed, and the Township would no longer issue SESC permits. Committeewoman Hagner asked if the county would only be involved in instances of commercial construction or teardowns, which Engineer Ruschke confirmed was correct, and that this would alleviate some of the paperwork to be performed by the Township Construction Official. The Township would still issue the lot-grading plan, thus allowing Engineer Ruschke to ensure that proper scrutiny is given to the sites in question. Administrator Ciccarone asked if having the county involved would improve services at all, or if waiving the exemption would simply add an extra layer to the bureaucratic process. Engineer Ruschke indicated that this

would add an extra layer of code enforcement. Mayor O'Connor asked if the current process was such that it needed to be refined with a second round of permitting. Engineer Ruschke expressed a concern that contractors could remove soil erosion and sediment controls after inspectors leave, and he explained that having a second group of inspectors would help make sure that contractors are putting into place the required controls, and keeping them in place. Mrs. Abigail Fair explained that the exemption was not waived in the past was because the county did not regularly come out, residents' construction projects may be delayed, and it was felt important to keep construction activities in house. Administrator Ciccarone felt that it would be better to keep things in house, and felt that the needs of property owners would be served better by the Township than the County. Engineer Ruschke advised that there were new regulations adopted in January 2006, which would mean more forms to be filed by the Township, including quarterly reports. Keeping the exemption would create more work for the Construction Official. Committeeman Hartford also felt that it would be better to keep things under local control. Mayor O'Connor said that the situation would be taken under advisement, and be further discussed at a later time. At the request of Administrator Ciccarone, Engineer Ruschke will draft a memo with an analysis as to what direction to take.

Mayor O'Connor called for a brief recess at 9:25 pm.
The meeting was called back to order was called at 9:38 pm.

Green Village Road Petition

Committeeman Hartford stated he had done his best to represent the people in this town and cited his advocacy of Green Village Road improvements in his dealings with Morris County. Committeeman Hartford also feels that speeding on Green Village Road creates an unsafe situation and suggested the speed limit should be 35 mph, whereas it is currently 40 mph. In addition to speed restrictions, Committeeman Hartford would like to see better enforcement of laws that require motorists to yield to pedestrians in crosswalks, and would also like to see shoulders widened. With regard to the bike path, there is a desire to have it extended along Green Village Road. Finally, Committeeman Hartford presented a petition on behalf of Green Village Road residents to have the shoulders widened without increasing the paved width of the road. Deputy Mayor Brower advised that a lot of the houses are slightly closer to the street, and suggested maybe widening the shoulder only on one side. Patrolman Curtis issued a report on the safety aspects of the situation. He reported that there have not been any incidents of bicycle related injuries in over three years, and that the greater issue is that of bicyclists riding double-file and triple-file. Committeewoman Hagner asked if the road could be relined. Patrolman Curtis responded that the County will not reline the road until it is necessary, which will not be for another two years. Deputy Mayor Brower suggested that if the County refuses to fix the problem, the Township should do it. Committeeman Hartford thanked Patrolman Curtis for his professionalism. He also stated that he felt that the County might some day have more interest, and suggested not to rule out their cooperation just yet.

1. Dan Miller, Green Village Road resident, said that the petition was not circulated to everyone on Green Village Road. Secondly, he pointed out that there are plenty of bicyclists who do not observe the rules of the road. Mr. Miller suggested that extending the bike path would be a good thing so that bicyclists will stop being a nuisance to motorists and Green Village Road residents.

Mayor O'Connor suggested that Committeeman Hartford approach the County about widening the shoulder by moving the line off center.

Historic Preservation Options

Mayor O'Connor asked Attorney Woodward for discussion on the memorandum he sent to the Township Committee about the available options that would be reasonable and financially prudent for Historic Preservation. Attorney Woodward said that the memo discusses what can be done at the municipal level to preserve historic sites. First, there must be an element in the Master Plan that designates those homes that are classified as historic, which the Township has already done. Secondly, the Township can establish a Historic Preservation Commission that can review applications for the renovation, modification and/or demolition of a historic site. Such a commission would have no power to prevent the demolition of a property, but could make comment on an application. Referral to a historic preservation commission for evaluation

could help delay demolition. Attorney Woodward also suggested that the owners of historic sites be encouraged to place their properties on the National Register of Historic Places. Attorney Woodward also referred to a Madison ordinance for historic preservation that would serve as an ideal model for a Township ordinance. Deputy Mayor Brower suggested that Attorney Woodward see if Open Space money could be used to purchase historic homes. He also suggested that the anti-demolition portion of such an ordinance be developed as quickly as possible. Attorney Woodward suggested that the Township start with the creation of a Historic Preservation Commission. The second step would be to create the ordinance to regulate historic sites. Attorney Woodward further advised that any plans for demolition could be referred to the Historic Preservation Commission for review, which could serve to delay the demolition without having to compensate property owners. Attorney Woodward also added that for those properties that are on the Historic Register, in many cases the front façade is protected, yet the interior can be renovated. In such cases, historic structures would be preserved, yet would be able to have all the modern conveniences that would make a home desirable. Attorney Woodward indicated that he will prepare an ordinance, hopefully for the workshop meeting on August 10, 2006. Deputy Mayor Brower wants to make sure that property owners' rights are given a proper regard. Committeeman Hartford also raised a concern for the rights of property owners and said he does not want to sacrifice too many rights in the name of historic preservation. Committeeman Hartford is not opposed to historic preservation, and agrees that there is a sense of urgency, but wants to make sure that proper democratic processes are in effect.

Height

The Township Committee received a letter from the Zoning Board in February, which addressed height as an area of concern. The letter was concerned with height as it related to homes on lots having steep slopes. Suggestions for changes in the height ordinance involved the simplification of concept of height, redefinition of measurement point at grade, redefinition of measurement point at the roof, and drawing a distinction between new construction and additions to existing homes. Deputy Mayor Brower suggested a meeting of Attorney Woodward, Engineer Ruschke, the building inspector, Mr. Dalziel and Planner Banisch to identify the problems regarding height and make the necessary adjustments. Attorney Woodward advised that one area where there could be a significant amount of relief would be with the point of measurement. Attorney Woodward suggested using an average of vertical distance along the perimeter of a structure from the original ground elevation. Attorney Woodward also advised that the definition of height does not need to be changed significantly to give the Board of Adjustment, Planning Board, and property owners a little more latitude. Committeeman Hartford suggested that the Fire Department be consulted in any discussion on building height to be sure that heights would not exceed fire-fighting capabilities.

Porches

Mayor O'Connor indicated that the same letter from the Zoning Board that addressed height issues also addressed allowing porches on houses that are close to the front yard setback line. The letter indicates that homeowners with houses on or close to the front yard setback line must obtain a variance in order to construct a front porch. The Zoning Board's suggestion is to rewrite the ordinance to allow more leeway in the construction of modest front porches on such houses. When Committeeman Hartford asked if a distinction could be made between new construction and existing houses, Attorney Woodward advised that zoning ordinances must be uniformly applied. Attorney Woodward also explained that the current ordinance allows for a three-foot intrusion for front steps, but does not allow for them to be covered. Attorney Woodward further suggested that before taking any action, it would be worthwhile to find out the number and nature of the applications being received by the Board of Adjustment. Committeewoman Hagner said that an exception should be made for the covering of front steps. Deputy Mayor Brower suggested that porches be allowed, but that they must be consistent with the character of the neighborhood and that the size of the porches allowed be controlled. Committeeman Hartford agreed with Committeewoman Hagner that an exception should be made for small porches, however he was also concerned about new houses that are already at the maximum of the footprint. Attorney Woodward felt that all cases should go to the Board of Adjustment. He also suggested that he speak with Mr. Dalziel from the Board of Adjustment to get a better idea of how to address the issue. Mayor O'Connor suggested that there should be room for architectural

creativity, so long as it does not block the views of neighboring houses. Administrator Ciccarone pointed out that three different things were being discussed: 1) front steps and landing to the front door that are covered; 2) covered porches with room for rocking chairs; and 3) enclosed heated livable space. Mayor O'Connor asked that Attorney Woodward speak with the Board of Adjustment as suggested and report back to the Township Committee.

Block Party Requests

Administrator Ciccarone reported that two standard block party requests had been made, and that the Township Committee will need to approve the parties subject to a proper safety review. He further indicated that resolutions would be needed. Deputy Mayor Brower asked if the block parties could be approved at this meeting so that the residents could move forward with their planning. Administrator Ciccarone responded that the Committee could elect to approve the applications without further review or a formal resolution.

Deputy Mayor Brower moved to change the approval process, and to approve both block parties without a formal resolution. Committeewoman Hagner seconded the motion.

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

Lum Field

Committeewoman Hagner indicated that upon further review, she does not feel as though the agreement has to be amended, and that her concerns about reciprocity have already been addressed.

Meeting Cancellation

Administrator Ciccarone reminded the Township Committee that it is common for the second meeting in August to be cancelled. Deputy Mayor Brower asked if there were any issues of such urgency so as to necessitate the meeting on August 24, 2006, to which Mayor O'Connor indicated there were none.

Deputy Mayor Brower moved to cancel the meeting scheduled for August 24, 2006. Committeewoman Hagner seconded the motion.

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

Mayor O'Connor also informed the Township Committee that a representative from Millburn will be at the July 27, 2006 meeting to speak about the proposed zoning ordinance changes.

Hearing of Citizens / Petitions

Mayor O'Connor opened the Hearing of Citizens.

1. Peter Hofmann, May Drive resident, was pleased to find out that the artificial turfing of Lum Field has been approved. Mr. Hofmann read a passage from a recent newspaper article, which quoted Chatham Borough Mayor Plambeck about the benefits of artificial turf. Next, Mr. Hofmann estimated that building a playing field at Woodland Park would cost anywhere from \$2 million to \$4 million, whereas the turfing of Lum is projected at \$1 million. Mr. Hofmann suggested that the Township Committee notify the Board of Education that the Township has stopped all consideration of developing Woodland Park at the present time, and he further suggested that the money can be better spent upgrading existing fields. He also further suggested that the Township Committee avoid dealing with the DEP by turfing existing fields.
2. Rich Connors, Chatham Borough resident, thanked the Township Committee on behalf of the Chatham Athletic Foundation, saying that this project has offered a unique opportunity for the Township and Borough to work together in a situation where the

ultimate goal is to help children, and a big step has been taken in that direction. He also hopes that the Lum project is only the first such project, and that the next project be in the Township. The CAF has already raised approximately \$225,000, and more money will be raised at a gala in September. Mr. Connors also indicated that, in reference to the impact on local residents, the Borough has made significant changes with regard to busing and parking.

Committeeman Hartford asked Mr. Connors for an opinion in regard to the development of Woodland Park, as there will be no new land. Mr. Connors replied that the appropriate authorities would get together and decide which is the best project to tackle next.

Seeing no further comment, Mayor O'Connor closed the hearing of the citizens.

Deputy Mayor Brower moved to adjourn at 11:15 p.m. Committeewoman Hagner seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk