

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
SEPTEMBER 10, 2009**

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

A moment of silence was held in memoriam of those members of the community who lost their lives in the terror attacks on 9-11-2001, and Mayor Tubbs read their names.

Mayor Tubbs led the flag salute, and the colors were presented by a group of Boy Scouts and Cub Scouts.

**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**

Mayor Tubbs asked that discussion on the community garden be held between the committee reports and the public hearing on Ordinance 2009-15.

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

**Reports**

Committeeman Gallop reported that the Recreation Department's summer programs went well. The Recreation Committee has also discussed whether or not trophies should be awarded to participants. Committeeman Gallop also reported that he has been working with the Environmental Commission on updating their website. Mayor Tubbs read an excerpt from a report provided by Health Officer John Theese about preparations for the H1N1 virus. The regular seasonal flu shot clinic will be held on October 7, 2009 from 1:30 PM to 3:00 PM, and the Health Department hopes to be able to provide an H1N1 vaccine at the end of October or early November. The first wave of the H1N1 vaccine would go to a priority group of children aged 6 months to 24 years of age, pregnant women, parents of children under 6 months of age, and healthcare workers. Mayor Tubbs said that a \$2500 CDC grant was received for crisis communication equipment, and a \$55,000 CDC grant will be received for personnel needed to provide vaccinations. The vaccine itself is free, and it involves two shots three weeks apart. Mayor Tubbs also reported that Colony Pool attendance was down this year, which was consistent with other pools in the area. A Green Fair will be held in Chatham Borough on Saturday, September 12, 2009 from 9:00 AM to 3:00 PM. The annual Steak & Lobster Dinner will be held at the Green Village Firehouse Saturday night at 6:00 PM, and the PBA Fireworks will be rescheduled for September 20, 2009. Administrator Ciccarone clarified that the flu clinic at the Municipal Building is only open to residents who are 55 year of age or older, or who have a chronic illness. Attorney Woodward said that he has prepared conservation easements for Shunpike Field. Engineer Ruschke said that a meeting was held regarding Shunpike Field, and preliminary drawings have been prepared. Approval has been received from the Morris County Planning Board, and preliminary comments have been received from the Morris County Soil Conservation District. Engineer Ruschke said there was also some discussion about bathroom facilities at Shunpike Field. Regarding the Southern Boulevard Firehouse, Engineer Ruschke reported that there had been an issue with the contract drawings and the electrical permit, but it does not appear to have caused any delays. Engineer Ruschke also reported that he has applied for a road-opening permit for installation of a sidewalk along Shunpike Road from Falmouth

Road to Lafayette Avenue, and he has negotiated with the contractor who will be doing paving work on Pine Street to also install the sidewalk. A resident on Pine Street contacted Engineer Ruschke to raise concerns about potential speeding once the street is repaved, and he requested that speed tables be installed. Engineer Ruschke advised against speed tables, and he said he has contacted Officer Curtis to look into alternate methods for speed control. Administrator Ciccarone reported that a resolution will be necessary to authorize a reimbursement agreement with the Environmental Joint Insurance Fund (EJIF), as they will be making a payment on behalf of the Township relating to litigation on the Combe Fill South Landfill. The Township will only need to reimburse the EJIF if proceeds are received by the Township from its insurance carriers.

### **Community Garden Discussion**

Committeeman Gallop said that the Open Space Committee has been looking into starting a community garden, and has explored several possible sites. Marta McDowell gave a presentation to update the Township Committee on what steps need to be taken for a community garden project. A meeting was held with PSE&G about having a garden on property under the power lines and looked at Southern Boulevard and Spring Street. Other options will be considered. Mrs. McDowell provided a handout showing a conceptual drawing of a community garden. If the Township Committee approves this project, a certificate of liability insurance would have to be provided to PSE&G, and they would also require a signed agreement. A method would also need to be developed to administer registration and the collection of fees. Deputy Mayor Hagner asked about the certificate for liability insurance. Attorney Woodward said that the community garden would be a municipal use on private property, ergo the Township would have to provide insurance against any damage to that property. Mrs. McDowell said that there was a concern raised by residents in the Spring Street/School Avenue neighborhood regarding traffic. Mayor Tubbs noted that the main startup costs would be for clearing the property, installation of deer fences and a water line, and developing a parking area if necessary. Administrator Ciccarone asked about controlling access to water. Mrs. McDowell said that at the Frelinghuysen Community Garden, people can only water plants with a watering can, which helps limit water usage. Administrator Ciccarone noted that the Township is seeking a grant for this project, and it is still in the pre-application process.

Mayor Tubbs opened the discussion to the public.

1. Joe Basralian, Fairfax Terrace resident, thanked the Township Committee, the Open Space Committee and Marta McDowell for looking into developing a community garden, and he expressed his support for this project.
2. Heather Gerding, Pine Street resident, is a Girl Scout leader and a Cub Scout leader. She said that she spoke with several Cub Masters and Scout Masters, and they support this project, as it would be educational and allow for community service projects. Mrs. Gerding also supports this because she does not have room for a garden in her yard, and would like to have a plot at the community garden.
3. Susan Hoag, Long Hill Lane resident, said that she plans on moving to a condominium in the Township. Since the condominiums do not have space for gardening, she hopes that the community garden will be available.
4. Steven Brunnert, Lenape Trail resident, said that he rents a plot at the Wagner Farm Arboretum's community garden in Warren, and there are several Chatham residents who rent plots at that site. He also said that by the second year of that community garden's existence, it already had a waiting list. The Wagner Farm also has a program called Giving Garden, in which a portion of the garden is used to grow vegetables for local food banks. He also cited an educational program called the 3 Sisters, which teaches school children about how American Indians grew their corn.
5. Mary Keselica, President of the Town & Country Garden Club, expressed the support of their organization for the community garden. One of the national initiatives of the Garden Clubs is the promotion of community gardens.
6. Shawn Samperi, Spring Street resident, said that parking for the community garden would be more affected by parking for Colony Pool, and that parking for the high school

would not be as much of an issue. Also, he pointed out that there is a lot of foot traffic in this area for Southern Boulevard School, and he is concerned that the garden would be a magnet for the children. Mr. Samperi asked if the community garden would only be open to Township residents. Mayor Tubbs said that his personal feeling is that it should only be for Township residents. Regarding traffic issues, Committeeman Gallop said that gardeners would most likely travel to the community garden at times of day when traffic is lighter in that neighborhood. Mayor Tubbs suggested that creative solutions could be developed to address the parking situation.

7. Pete Coviello, Spring Street resident, supports having a community garden. However, he is concerned about congestion and traffic in that area. Mr. Coviello said that he is working with Mrs. McDowell to find other possible sites, and he offered the services of his company to help build the community garden.

Mayor Tubbs thanked the residents who came to the meeting to speak on this issue.

### **Public Hearing/Final Adoption of Ordinances**

#### **ORDINANCE 2009-15 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO REGULATE FERTILIZER APPLICATION**

**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 the following section to regulate fertilizer application, as follows:

#### **SECTION I. Purpose:**

An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This ordinance does not apply to fertilizer application on commercial farms.

#### **SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning.

- a. Buffer - the land area, 10 feet in width, adjacent to any waterbody, except that for any fertilizer application between 10 feet and 25 feet from any water body, a drop spreader must be used.
- b. Commercial farm - a farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.
- c. Fertilizer - means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- d. Impervious Surface - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
- e. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- f. Phosphorus fertilizer - any fertilizer that contains phosphorus, expressed as P<sub>2</sub>O<sub>5</sub>, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.
- g. Test - a technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.
- h. Waterbody - a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

#### **SECTION III. Prohibited Conduct:** No person may do any of the following:

- a) Apply fertilizer when a runoff producing rainfall is occurring or predicted within 12 hours and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- b) Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.

- c) Apply fertilizer within the buffer of any waterbody.
- d) Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season which is USDA Plant Hardiness Zone 6b (March 1 to November 15).

**SECTION IV. Phosphorus Fertilizer Application:** No person may do the following:

- a) Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
- b) Exceptions:
  - 1. Application of phosphorus fertilizer needed for
    - a. establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,
    - b. re-established or repairing a turf area.
  - 2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
  - 3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Building Department, Township Engineer or his designee and Police Department of the Township of Chatham.

**SECTION VI. Violations and Penalties:**

Any person(s) found to be in violation of the provisions of this ordinance shall be subject to one warning. After the first warning, the fine for a second violation shall not exceed \$500.00. For each subsequent violation, the fine shall not exceed \$1,000.00 per violation.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date.** This ordinance shall take effect as provided by law.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-15.  
Seeing none, Mayor Tubbs closed the Public Hearing.

Attorney Woodward said that this ordinance is mandated by the DEP so that the Township may continue to have an approved water quality management plan.

Committeeman O'Connor moved to adopt Ordinance 2009-15. 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.

**Consent Agenda**

**RESOLUTION 2009-171  
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 \$655,751.49 and the prior month's payroll of \$514,498.43 Current Fund, \$45,226.64 Sewer No. 1, \$8,435.06 Sewer No. 2, and \$1,752.88 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the months of August and September 2009, in the amount of \$4,660,277.68 be paid.

**RESOLUTION 2009-172  
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 August 13, 2009.

**RESOLUTION 2009-173**

**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:

- Animal Control – July
- Chatham Emergency Squad – July
- Municipal Court – July
- Construction Official – July
- Police Department – July
- Public Works – July

**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 – July, August

**RESOLUTION 2009-174**

**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>
Raj Maganti & Tejaswini Maganti 42 Mountain Avenue Chatham, NJ 07928 Re: BOA 08-39-13.01	7760011217	\$120.00
Ronald Gunn 41 Fairview Avenue Madison, NJ 07940 Re: Ormont Road	7760011222 7760011115	\$269.30 \$4,664.44 (plus interest)

**RESOLUTION 2009-175**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING OFFICE OF EMERGENCY MANAGEMENT COORDINATOR**

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Chief John Paton be appointed Office of Emergency Management Coordinator to fill the three-year term ending December 31, 2011.

**RESOLUTION 2009-176**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR A NEW CASE 450 SERIES 3 SKID STEER LOADER WITH ATTACHMENTS**

**WHEREAS**, the Township Committee of the Township of Chatham has received bids for a New Case 450 Series 3 Skid Steer Loader with attachments or equivalent and,

**WHEREAS**, "Certification of Availability of Funds" is annexed hereto:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on this day, September 10, 2009 that:

- 1) Contract for a NEW CASE 450 SERIES 3 SKID STEER LOADER WITH ATTACHMENTS be awarded to:

**Trico Equipment Services, LLC  
551 N. Harding Hwy.  
Vineland, NJ 08360**

On their bid of \$56,400.00 with trade or \$62,400.00 without trade.

- 2) The exact title of the appropriation to be charged is: Ordinance 2009-12.
- 3) This Resolution shall take effect immediately.

**RESOLUTION 2009-177**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR A TORO GROUNDSMASTER 4100D 10.5 WIDE AREA ROTARY MOWER**

**WHEREAS**, the Township Committee of the Township of Chatham has received bids for a Toro Groundsmaster 4100D 10.5 Wide Area Rotary Mower or equivalent and,

**WHEREAS**, "Certification of Availability of Funds" is annexed hereto:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on this day, September 10, 2009 that:

- 1) Contract for a Toro Groundsmaster 4100D 10.5 Wide Area Rotary Mower be awarded to:

**Storr Tractor Company  
3191 Highway 22  
Branchburg, NJ 08876**

On their bid of \$47,676.08 without trade.

- 2) The exact title of the appropriation to be charged is: Ordinance 2009-12.
- 3) This Resolution shall take effect immediately.

**RESOLUTION 2009-178**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF MANDHIR K. SACHDEV SEN**

**WHEREAS**, Mandhir K. Sachdev Sen has appealed her added assessment for the year 2008 in the Tax Court of New Jersey, Docket No. 000019-2009; and

**WHEREAS**, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of this appeal;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeal be settled and the Municipal Attorney shall be authorized to execute a Stipulation of Settlement in the following amounts:

**BLOCK: 63  
LOT: 9.03  
STREET ADDRESS: 567 River Road  
YEAR: 2008**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested 2008 Tax Court Judgment</b>
<b>Improvements:</b>	\$ 906,900.00	Direct Appeal	\$763,600.00
<b>Prorated Assessment: for 4 months</b>	\$ 302,300.00		\$190,900.00 Prorated for 3 months

Interest due on any refund will be waived by Mrs. Sen, provided she receives a credit, if any, for the total refund due against the next quarterly tax bill due following the date of entry of Judgment by the Tax Court.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

**RESOLUTION 2009-179**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS OF LOCAL EMERGENCY PLANNING COMMITTEE**

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following individuals be appointed to the Local Emergency Planning Committee for a term ending December 31, 2009:

Chief John Paton	Coordinator
Lt. George Petersen	Deputy Coordinator
Lt. William Behre	Deputy Coordinator
Richard Kern	Deputy Coordinator
Patrolman Michael Giannone	Deputy Coordinator
Joseph Sciarretta	Deputy Coordinator
Cathy Condu	Deputy Coordinator
Gregory Impink	Deputy Coordinator
Kevin R. Tubbs	Mayor
Carl Woodward	Attorney
Thomas E. Ciccarone	Township Administrator
Chief	Green Village Volunteer Fire Department
Chief	Chatham Township Volunteer Fire Department
Joseph Barilla	Manager Department of Public Works
Captain	Chatham Emergency Squad
John Theese	Board of Health
Tracy Ness	Media Representative
Barbara Chestnut	Red Cross Administrator
Ralph Goodwin	Business Administrator School District of the Chathams
Linda Durney	Social Services
Ed Guy	RACES-radio Official

**RESOLUTION 2009-181**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES**

**WHEREAS**, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
27	22	Robert & Karen Lee Gallop 54 Susan Drive Chatham, NJ 07928	\$3,504.41
65.03	4.02	Sardar Faisal & Afifa Nisar 70 Canterbury Road Chatham, NJ 07928	\$2,365.13

**RESOLUTION 2009-182**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPROVING FIREWORKS FOR CHATHAM TOWNSHIP  
PBA LOCAL #170 “FUND RAISING” EVENT**

**WHEREAS**, state regulations require municipal governing body approval for the use of fireworks displays; and

**WHEREAS**, the Township has received an application to conduct a fireworks display by the Chatham Township PBA Local #170 on September 20, 2009, with a rain date of September 25, 2009, for “Fund raising” to take place at Shunpike Field on Shunpike Road, Chatham, New Jersey; and

**WHEREAS**, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby approves the Chatham Township PBA Local #170 Fireworks Application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

**RESOLUTION 2009-183**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE  
OF NEW JERSEY AUTHORIZING REIMBURSEMENT AGREEMENT BETWEEN  
THE TOWNSHIP OF CHATHAM AND THE ENVIRONMENTAL JOINT INSURANCE  
FUND AS RESPECTS THE CASE OF UNITED STATES V. BECKMAN COULTER, ET  
AL. CIVIL ACTION NO. 98-CV-4812(WHW)**

**WHEREAS**, the Township of Chatham is a third party defendant in the case of United States v. Beckmann Coulter, et al, U.S.D.C., N.J. Civil Action No. 98-CV-4812 (WHW), which relates to the Combe Fill South Landfill in Chester, NJ; and

**WHEREAS**, the Township has settled all claims against it for the sum of \$42,097.67 as set forth in the Consent Decree filed with the Court; and

**WHEREAS**, the Township’s settlement share has been submitted to its insurance carriers for payment, which payment is due by September 14, 2009; and

**WHEREAS**, because the carriers have not processed the payment as of this date and the Environmental Joint Insurance Fund (EJIF), of which the Township is a member, is willing to make said payment subject to reimbursement by the Township from the proceeds received from the insurance carriers; and

**WHEREAS**, the Township Committee wishes to authorize the Mayor and Clerk to execute a reimbursement agreement with the EJIF that contains the terms set forth above;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute a reimbursement agreement with the Environmental Joint Insurance Fund that authorizes reimbursement of the EJIF the sum of \$42,097.67 from the proceeds received from the Township’s insurance carriers as set forth above.

Deputy Mayor Hagner asked about Resolution 2009-180, and why the easements are being executed by resolution rather than by ordinance. Attorney Woodward suggested that Resolution 2009-180 be pulled until he finds the answer.

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

**Roll call:** Committeeman Gallop, Aye, Abstain on Resolution 2009-181; Committeeman O’Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Hagner, Aye; Mayor Tubbs, Aye.

**RESOLUTION 2009-180**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE  
OF NEW JERSEY ACCEPTING NJDEP PERMITS FOR SHUNPIKE FIELD  
IMPROVEMENTS AND AUTHORIZING EXECUTION OF CONSERVATION  
EASEMENTS**

**WHEREAS**, the Township of Chatham, as part of the project to improve Shunpike Field, has applied for and received permits from the New Jersey Department of Environmental

Protection (NJDEP) authorizing said work, Permits 1405-06-0007.2 FHA 090001, 1405-06-0007.2 FHA 090002, 1405-06-0007.2 FWW 090001, and 1405-06-0007.2 FWW 090002, respectively; and

**WHEREAS**, the permits require that the Township grant certain conservation easements to the NJDEP as part of said permits; and

**WHEREAS**, the Township Committee wishes to authorize the Mayor and Clerk to execute said conservation easements;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Township hereby accepts Permits 1405-06-0007.2 FHA 090001, 1405-06-0007.2 FHA 090002, 1405-06-0007.2 FWW 090001, and 1405-06-0007.2 FWW 090002, as part of the Shunpike Field improvement project, and hereby authorizes the Mayor and Clerk to execute the conservation easements necessary to effectuate said permits.

Attorney Woodward explained that the Township has in the past accepted conservation easements by ordinance, but the Township can convey land by resolution.

Committeeman O'Connor moved to pass Resolution 2009-180. Committeeman Gallop seconded the motion.

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

### **Discussion**

#### **Residential Area Sidewalks**

Engineer Ruschke provided a map of the Township, which highlighted activity centers and places of public gathering. The map also shows existing sidewalks and areas where sidewalks would be expanded. Engineer Ruschke said that the sidewalk prioritization focuses on pedestrian access to recreational facilities and other public areas. The prioritization method also takes into account the possibility of obtaining grants to fund the projects. Committeeman O'Connor said that if sidewalks were installed on Shunpike Road from Ferndale Road to Noe Avenue, the Township would have to be responsible for removal of snow and ice, since the sidewalks would be behind the affected houses. Both he and Administrator Ciccarone suggested that this section be removed from the list of priorities. Mayor Tubbs said that there are instances in which there are retaining walls next to sidewalks and steps leading to sidewalks, and he asked if the Township has any responsibility in maintaining those walls or steps. Attorney Woodward said that the Township could do whatever it wants regarding these structures, since they fall in the municipal right-of-way. He also said that the Township does not have a policy on sidewalks, therefore the Township is by default responsible for maintenance. Administrator Ciccarone advised that the Township Committee should consider developing a maintenance policy as it moves along with sidewalk construction.

#### **Maple Street Parking**

Chief Paton said that there was originally a proposal making Maple Street a two-hour parking zone, but that would not solve the parking issues because of the open campus policy and block scheduling at the High School, in which approximately every 40 minutes there are students arriving and leaving this area throughout the day. Therefore, the Police Department is suggesting that both sides of Maple Street be No Parking Zones, which would be enforced judiciously. Committeeman Gallop asked how the residents on Maple Street feel about this proposal. Chief Paton said that most of the residents support it. The consensus of the Township Committee is to move forward with this proposal.

#### **Website Content**

Committeeman O'Connor said that the FAQ section of the Township website does not address some questions that are frequently asked, such as why sewer usage fees are not included with property taxes. Mayor Tubbs asked that this discussion topic be added to the agenda of the next Township Committee meeting.

### Amendments to Police Ordinance

Administrator Ciccarone explained that the Police Department is created by ordinance, but the Township's ordinance does not have a specific delineation of the police department personnel. Case law has determined that local ordinances need to specify the number of officers at each rank. Additionally, statutes require that police chiefs report to an appropriate civilian authority. While the current ordinance specifies the Township Committee as the designated civilian authority, it also says that the Chief of Police should report to the Township Committee through the Township Administrator. The statutes also require that the designated civilian authority promulgate the rules and regulations of the department, and Administrator Ciccarone said that he has been unable to find any documentation that the Township Committee has ever done so. Therefore, he suggested that it would be more appropriate to have the Chief of Police report to the Township Administrator, with the Township Committee retaining the authority to hire, fire, and promote police department personnel. Committeeman O'Connor asked if the Township Committee would still play a role in developing policies relating to the Police Department, and Administrator Ciccarone said that they would. Mayor Tubbs said that this topic would be placed on the agenda of the next Township Committee meeting for introduction of an ordinance, and the draft presented that night could be modified as necessary. Committeeman O'Connor asked if this ordinance would bring the Township in line with how other municipalities operate. Attorney Woodward said that he would have to double-check on whom other municipalities designate as the civilian authority, but the ambiguity in the Township's ordinance still needs to be clarified.

### Area in Need of Redevelopment

Attorney Woodward explained that state statutes distinguish between areas in need of redevelopment and areas in need of rehabilitation, and they are found in N.J.S.A. 40A:12A. The statute for redevelopment can be used in regard to the Rolling Knolls Landfill site, and Attorney Woodward read aloud the criteria for redevelopment. If the Township Committee decides that the site needs redevelopment, they would have to refer it to the Planning Board, who would then provide a recommendation to the Township Committee. The Planning Board would then have to develop a redevelopment plan and submit it to the Township Committee for approval by ordinance. The first step in this process would be to pass a resolution referring the matter to the Planning Board, delineating the area to be investigated. Mayor Tubbs requested that Attorney Woodward prepare such a resolution for the next meeting.

### Electronics Recycling

Mayor Tubbs said that this past spring, an electronics-recycling event was held. The original plan was to hold two events, but the entire budget for recycling events was spent on the spring event. The Environmental Commission suggested that the event scheduled for October 3, 2009 either be canceled, or that a fee be charged. Committeeman Gallop asked how much residents would be charged to dispose of their items. Administrator Ciccarone said that the County has a fee schedule that differentiates between different items. Mayor Tubbs said that he was under the impression that the Township could not charge a fee unless an ordinance was adopted allowing the collection of such fees. Administrator Ciccarone suggested that if a second event is held, the date of the event be postponed until some time in November so that budget transfers could be made if possible and an ordinance be introduced and adopted to create a fee schedule. Mayor Tubbs suggested that if a second event is held, that the total amount of recyclables to be collected be capped, and that no more items be collected once the limit is reached. After further discussion, Mayor Tubbs said that the event would need to be canceled. Attorney Woodward said that there is time to introduce and adopt an ordinance before November. Mayor Tubbs said that the precedent for the electronics recycling events is that they are free, and he would rather wait until the spring to have another event rather than have one in the fall and charge fees.

### COAH

Attorney Woodward said that the Township received comments and objections to the Fair Share Plan and Housing Element that had been submitted to COAH. One objection is from a housing group that has commented on every municipality in the state. The second is two objections from owners of affordable housing units in the Glenwood Housing condominiums who are objecting to the extension of affordability controls. Attorney Woodward explained that when the 30-year controls expire, the Township would have right of first refusal on the units, and if they were sold

on the open market then the Township would receive 95% of the profit. COAH has issued a notice that the objections have been received, and they need to determine if the objections are in compliance with their regulations. The Township does not need to respond to the objections until COAH provides a determination of compliance. Attorney Woodward also addressed a recent decision from the appellate division in a case where a developer wanted to build housing and provide additional affordable units. The municipality in question already had exceeded its 2<sup>nd</sup> and 3<sup>rd</sup> Round obligations, but the appellate division agreed with the developer that the municipality should provide the additional affordable units. This case will be going before the NJ Supreme Court, and Attorney Woodward said that he hopes to have more to report about this at the next meeting.

### **Hearing of Citizens/Petitions**

Mayor Tubbs opened the Hearing of Citizens.

1. Nancy Vreeland, Maple Street resident, lives at the corner of Maple Street and School Avenue. She asked about the proposal for an ordinance about parking on Maple Street, and if there are any considerations being made as to whether or not the parking problem would just move to another street. Chief Paton said that they initially considered changing the regulations on several streets, but decided to try it out first on Maple Street and change the regulations as necessary.

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

### **Executive Session**

**RESOLUTION 2009-P-11  
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

Personnel Matters

Potential Acquisition of Open Space

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

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

Deputy Mayor Hagner moved to pass Resolution 2009-P-11 to go into Executive Session at 10:11 P.M. Committeeman Gallop 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 11:04 P.M.

**RESOLUTION 2009-184  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPOINTING DANIEL PAPA TO THE POSITION OF SERGEANT IN  
THE CHATHAM TOWNSHIP POLICE DEPARTMENT**

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham that Daniel Papa is hereby appointed Sergeant in the Chatham Township Police Department, effective October 1, 2009.

Committeeman Gallop moved to pass Resolution 2009-184. 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.

Deputy Mayor Hagner moved to adjourn at 11:05 P.M. Committeeman Gallop seconded the motion, and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk