

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
SEPTEMBER 11, 2008**

Mayor Tubbs called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 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 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Mayor Tubbs led the flag salute.

**Roll Call**

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

**Approval of Agenda**

The awarding of the contract for bike connections was added to the agenda as a discussion item.

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

**Reports**

Mayor Tubbs thanked all those involved in the 9-11 Memorial Dedication Ceremony. Committeewoman Hagner reported that she received a proposal from Comcast, and she would like the proposal to be added as a discussion item at the next Township Committee meeting. Regarding the Recreation Committee meeting, Committeewoman Hagner reported that the autumn activities are up and running. Committeewoman Hagner also stated that an employment agreement still needs to be drafted and approved to officially appoint the township arborist. Deputy Mayor Brower reported that the number of traffic accidents involving deer has dropped from 280 to 60 over the past two years, which indicates that the deer hunt has been effective. He also said that there were a few hunters who did not conform to the regulations. Committeeman O'Connor reported that according to the Greenhouse Gas Emissions Study, 40 percent of the Township's emissions come from the sewage treatment plants and pumping stations. He asked if methods to reduce emissions are being researched. Engineer Ruschke stated that there are some improvements that are going to be made to the sewer plant that address energy efficiency issues. Committeeman O'Connor also announced that there would be a Green Fair at the Chatham Borough gazebo on September 13, 2008 from 9:00 AM to 3:00 PM. Furthermore, there will be electronics recycling events on October 4, 2008 and May 2, 2009 for Chatham Township residents. Committeeman Gallop reported that he has been in touch with the County regarding the Swamp Loop, and the project has been held up by the Freeholders. Mayor Tubbs reported that based on discussions with the NJDEP, he is optimistic that the Shunpike Field project will be able to move forward. Administrator Ciccarone reported that the estimated pension bills have been received from the State, and the combined PERS and PFRS increase is just over \$90,000 for 2009. Engineer Ruschke discussed the environmental concerns at Shunpike Fields, and said that the logical areas to turf would be the fields furthest away from the wetlands areas and buffer zones. Committeeman O'Connor asked about the projected timeline. Mayor Tubbs said that they would like to have a public hearing for the neighbors of the fields within the next month. He hopes to have a proposal from Engineer Ruschke at the next meeting that would spell out what further steps would need to be taken to bring this project to fruition. Mayor Tubbs also said that the permit application should be submitted by the end of the year. Administrator Ciccarone added that they are hoping to be able to perform the construction over the summer when field usage is low. Deputy Mayor Brower asked about inspections of conservation easements. Administrator Ciccarone explained that since the Township owns the land, they have a right to perform inspections, and notice letters were sent out to affected residents as a courtesy.

**Introduction of Ordinances**

**BOND ORDINANCE 2008-16**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS REGARDING WATER POLLUTION CONTROL PLANT #1 BY THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$475,000 THEREFOR, AND AUTHORIZING \$475,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Chatham, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$475,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township as more fully explained in Section 7(e) herein.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$475,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued are various improvements at the Water Pollution Control Plant #1 of the Township including repairs to: WPC 1 main plant, Northside lift station, Southside lift station and Chatham Heights lift station, all as 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 therefore and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 or moneys 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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 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 \$475,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 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 purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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.

Engineer Ruschke explained that several required improvements were identified by the Plant Operator Marc Christensen and by staff from Hatch Mott MacDonald, and he listed some of the improvements. Committeeman O'Connor asked when the work would begin. Engineer Ruschke said that the work to be done would include several projects, some of which would have to go out to bid. Furthermore, he reported that Plant Operator Marc Christensen is already in the process of seeking quotes for some of the work that does not require a formal bid process. Deputy Mayor Brower added that preventive maintenance is cheaper than reactive maintenance, and he credited the sewer plant's staff with being able to maintain the plant considering its age.

Committeeman O'Connor moved to introduce Ordinance 2008-16. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2008-16 will be scheduled for September 25, 2008.

### Consent Agenda

#### **RESOLUTION 2008-171**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS**

**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 – July  
Animal Control – July, August  
Municipal Court – July, August  
Chatham Emergency Squad – July, August  
Construction Official – July  
Police Department – June, 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:

Chatham Joint Recreation Advisory Committee – June  
Environmental Commission – June

**RESOLUTION 2008-172**

**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 14, 2008.

**RESOLUTION 2008-173**

**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 meetings held on August 14, 2008.

**RESOLUTION 2008-174**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR FAIRMOUNT COUNTRY CLUB GALA 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 Fairmount Country Club on September 13, 2008 for a Gala event to take place at Fairmount Country Club, 400 Southern Blvd., 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 Fairmount Country Club 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 2008-175**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING RESOLUTION 2008-082 ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2008.**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2008-082, establishing salaries of non-contractual employees for 2008, is hereby amended as follows:

Secretary (Police)	\$41,520.00
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This Resolution shall take effect immediately.

**RESOLUTION 2008-176**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ACKNOWLEDGING RECEIPT OF CORRECTIVE ACTION PLAN RELATIVE TO 2007 AUDIT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that it, hereby, acknowledges receipt of the Chief Financial Officer’s Corrective Action Plan relative to the 2007 Audit, copy of which is attached hereto.

**BE IT FURTHER RESOLVED** that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs as required by State regulations.

**RESOLUTION 2008-177**

**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>AMOUNT</u>
Fairmount Country Club 400 Southern Boulevard Chatham, NJ 07928	\$31,566.00

**RESOLUTION 2008-178**

**CAPITAL BUDGET AMENDMENT RESOLUTION**  
(See Attached)

**RESOLUTION 2008-179**

**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 \$514,818.28 and the prior month’s payroll of \$487,822.22 Current Fund, \$42,729.71 Sewer No. 1, \$8,273.91 Sewer No. 2, and \$21,249.04 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the months of August & September 2008, in the amount of \$4,543,250.00 be paid.

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

**Roll Call:** Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Aye.

**Hearing of Citizens/Petitions**

Mayor Tubbs opened the Hearing of Citizens.

1. Morgan Earle, Rose Terrace resident, asked that Ordinance 15-92 be amended, since NJSA 4:19-15.3 states that license fee shall be waived for service dogs. She added that Township staff members have been waiving the fee, and she would like to see the Township's ordinances reflect the State's requirements. She also asked if the Township Committee would consider waiving the license fee for puppies being raised and trained to be service dogs. Mayor Tubbs said that he would support making the appropriate changes. Committeewoman Hagner asked if the ordinances should address allowing service dogs in public buildings and recreation facilities. Jean Earle, Morgan's mother, indicated that the ADA already allows for service dogs in public buildings.
2. Bob Czarny, Sycamore Drive resident, said that there is a 14-foot high basketball hoop within 18 inches of his property line, even though accessory structures are not supposed to be closer to the property line than the height of the structure. He does not mind that his neighbor has a basketball hoop in the back yard, but is concerned about its proximity to his yard. Mr. Czarny advocated having the setback of a structure be equal to the height of a structure. Administrator Ciccarone said that when the basketball hoop in question was installed, it was the interpretation of the deputy zoning official that a basketball hoop is not an accessory structure. That interpretation has since changed, and the hoop is now considered to be in violation of the current regulations.
3. Fred Pocci, member of the Library Board of Trustees, thanked the Township Committee for their support, and reported that the Board of Trustees is in the process of creating an endowment fund.
4. Andy Stillinger, Noe Avenue resident, addressed environmental issues regarding light bulbs. He said that by replacing incandescent bulbs with compact fluorescent bulbs, the energy savings are typically around 3:1 or 4:1. Although there is some mercury in the compact fluorescent bulbs, the fact that far less coal would be burned to create energy means that there would be less mercury emitted into the environment. Mr. Stillinger also asked about the assessments on new construction. He said that builders often delay the final permit so as to keep the tax rate the same for a lengthy period. Mr. Stillinger asked if there is a way to make the new assessments in a more timely fashion. Administrator Ciccarone said that the new tax assessor is taking a more aggressive approach with new construction, and making added partial assessments. Therefore, this problem is not as prevalent as it used to be. Mr. Stillinger said that there is a house in his neighborhood that has had a partial assessment for two years. Mr. Stillinger also asked if the topics of executive sessions could be disclosed prior to the session. Township Clerk Joy Wiley said that the topics to be discussed are stated in the resolution authorizing the executive session, and that the resolution is available in the Public Review Booklet.
5. Jack Hartford, Fairmount Avenue resident, said that there has been a lack of empathy regarding the basketball hoop issue. He also said that house size limitations should be considered.

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

## **Discussion**

### **Zoning Amendments- Revising the Land Development Ordinance**

Mayor Tubbs stated that Ordinance 2008-09 was tabled at a prior meeting because of the basketball hoop issue that was discussed by Mr. Czarny. Attorney Woodward said that he examined the properties that brought this issue to light, and a solution might not be simple. He also clarified that a basketball hoop on a pole supported in the ground by concrete meets the definition of an accessory structure. According to the current regulations, accessory structures are not allowed to be in a front yard, nor are they allowed to be any closer to the property line than the height of the structure. Attorney Woodward also pointed out that on the properties with front facing garages, the front yard is the only place where a basketball hoop would be feasible, even though it is currently disallowed. Administrator Ciccarone suggested allowing an exception for basketball hoops to be put in front yards on properties with front facing garages, provided that the distance from the property line be equal to or greater than the height of the structure. Mayor Tubbs raised a concern that in the case of basketball hoops, to require the

distance from the property line to be equal or greater than the height might be excessive. Committeeman Gallop pointed out that a basketball hoop does not have to be permanently set in a fixed spot. Deputy Mayor Brower reminded the Committee that people could apply for variances, and does not think that the Township Committee should micromanage properties. Committeeman O'Connor suggested that basketball hoops should not be considered as an accessory structure. Attorney Woodward provided the definitions for "structures" and "accessory structures." Administrator Ciccarone said that basketball hoops could be exempted from being classified as an accessory structure, but said that there should still be some setback requirements and a zoning approval process. The Township Committee agreed that the setback could be set at 8 feet.

Bike Connection

**RESOLUTION 2008-180**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR SOUTHERN BOULEVARD/SPRING STREET, CHATHAM STREET/ROSE TERRACE BIKE CONNECTIONS**

**WHEREAS**, the Township Committee of the Township of Chatham has received bids for **Southern Boulevard/Spring Street, Chatham Street/Rose Terrace Bike Connections** and, **WHEREAS**, "Certification of Availability of Funds" is annexed hereto:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on this day, September 11, 2008 that:

1) Contract for Southern Boulevard/Spring Street, Chatham Street/Rose Terrace Bike Connections be and is hereby awarded to:

**Adamsville Maintenance, Inc.**

**548 East Main Street**

**Bound Brook, NJ 08805**

On their total low bid of \$99,500.

2) This Resolution shall take effect immediately.

Engineer Ruschke reported that six bids were received, and the range was approximately from \$100,000 to \$380,000. The low bidder was Adamsville Maintenance. Committeeman O'Connor raised a concern about the range of the bids. Engineer Ruschke assured the Township Committee that the low bidder is reputable and has the capacity to perform the work, and Attorney Woodward said that their bid package was in order. Engineer Ruschke recommended that the Township Committee award the contract to Adamsville Maintenance. Deputy Mayor Brower asked if the bike path would run over any private property. Engineer Ruschke said that the path would connect Rose Terrace to Chatham Street along a paper street owned by the Township. Committeewoman Hagner added that a second section is going to be built on land owned by the Chatham Emergency Squad. Committeeman Gallop said that the grant for this project was only \$95,000 and asked if the additional expenses would come from Open Space funds. Administrator Ciccarone said that the funds would be coming from the Open Space funds.

Deputy Mayor Brower moved to pass Resolution 2008-180. Committeeman Gallop seconded the motion.

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

Crown Castle Cellular Antenna

**RESOLUTION 2008-181**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW JERSEY APPROVING CELL TOWER CO-LOCATION AGREEMENT WITH CROWN ATLANTIC COMPANY LLC AND METRO PCS**

**WHEREAS**, by Land Lease Agreement dated December 30, 1998, the Township of Chatham entered into an agreement with New York SMSA Limited Partnership for the ground

lease and construction of a cellular communications tower at the municipal facilities at 401 Southern Boulevard; and

**WHEREAS**, said Agreement provides at Paragraph 20 that space on the tower may be leased to other parties for communications purposes by agreement of the Township and lessee, which consent shall not be unreasonably withheld, with the gross rental for such space being split equally between the Township and lessee; and

**WHEREAS**, Crown Atlantic Company LLC, the assignee of New York SMSA Limited Partnership, has proposed leasing space on the tower for 5 years, plus four additional 5 year extensions, to Metro PCS for the annual fee of at least \$24,000, fifty per cent (50%) of which or at least \$12,000 shall constitute additional rent due to the Township, and with annual increases of three percent (3%) based upon the terms and conditions of the Site License Agreement; and

**WHEREAS**, the Township has reviewed the papers submitted by Crown Atlantic, is satisfied with the agreement between Crown Atlantic and Metro PCS, and hereby consents to said agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, consent is hereby given to Crown Atlantic Company LLC for the lease of space on the cellular communications tower at 401 Southern Boulevard to Metro PCS in accordance with the terms of the above described Land Lease Agreement, with attachments, and the Site License Agreement, and the Mayor and Clerk are hereby authorized to execute such documents as are necessary to implement this consent.

Attorney Woodward informed the Township Committee that Crown Castle, who operates the cellular antenna tower by the Police Station, has approached the Township with an opportunity to add a fifth cellular antenna to the tower. The current lease agreement with Crown Castle provides the Township with 50% of the gross rental receipts from anyone using the tower other than Crown Castle. Attorney Woodward said that the Township Committee would need to pass a resolution authorizing the additional antenna. The new antenna would be added to an existing tower, and would be lower than the other antennas, and additional support structures would need to be added to the tower.

Committeeman O'Connor moved to pass Resolution 2008-181. Deputy Mayor Brower seconded the motion.

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

### **Executive Session**

### **RESOLUTION 2008-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

Combe Fill South Landfill Litigation

Rolling Knolls Landfill Potential Litigation

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

Deputy Mayor Brower moved to pass Resolution 2008-P-08 to go into Executive Session at 9:39 P.M. Committeeman O'Connor seconded the motion.

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

The Township Committee returned from Executive Session at 10:41 P.M.

Deputy Mayor Brower moved to change the start time of the September 25, 2008 meeting from 7:30 P.M. to 6:30 P.M., with an executive session at the beginning of the meeting.

Committeeman Gallop seconded the motion and it carried unanimously. This will be noticed as a Special Meeting to discuss Rolling Knolls Landfill Potential Litigation.

Committeewoman Hagner moved to adjourn at 10:42 P.M. Committeeman Gallop seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk