

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
SEPTEMBER 25, 2008**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:40 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 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 and Mayor Tubbs. Deputy Mayor Brower was absent.

Approval of Agenda

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

Proclamation

Mayor Tubbs read aloud the attached proclamation proclaiming October 10, 2008 as Put the Brakes on Fatalities Day.

Special Recognition / Awards

Chief Goeckel presented to Lieutenant Peter Katsakos a lieutenant's retired badge and an honorary plaque of his awards. Mayor Tubbs read Resolution 2008-182 honoring Lieutenant Katsakos, and he presented Lieutenant Katsakos with a framed copy of the resolution. Lieutenant Katsakos thanked his wife, friends and the Township for their support.

RESOLUTION 2008-182

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM HONORING PETER KATSAKOS FOR HIS YEARS OF FAITHFUL AND
DEDICATED SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

WHEREAS, Peter Katsakos retired on September 1, 2008 after more than 25 years of loyal and dedicated professional law enforcement service to the Township of Chatham; and

WHEREAS, Peter Katsakos began his employment with the Township on February 1, 1983 when he was appointed to the position of Patrolman in the Chatham Township Police Department, and

WHEREAS, Peter Katsakos showed from the start what could be expected throughout his career by finishing first in his Police Academy Class in both academics and firearms qualification, and

WHEREAS, Peter Katsakos served in the Detective Bureau from 1985 to 1987, was promoted to the rank of Sergeant on February 13, 1992, and served as Detective Sergeant in 2001 when he received an Exceptional Duty Award for his work on the Dreher Homicide, and

WHEREAS, Peter Katsakos earned two Life Saving Awards, numerous Honorable Service Awards, Commendations and Certificates for various Supervisory and Instructors courses and served as a Certified Firearms Instructor, and

WHEREAS, Peter Katsakos was promoted to the rank of Lieutenant on November 1, 2002 and was the Patrol Division Commander until his retirement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that we hereby recognize, and extend our deep appreciation to **Lieutenant**

Peter Katsakos upon the occasion of his retirement, for his commitment to the highest standards of police professionalism and his many contributions to our community, and extend to him and Lauren our best wishes for success and happiness in the future.

Reports

Committeeman Gallop reported that the Open Space Committee met with Marta McDowell regarding the idea of having a community garden in the Township, and he gave some preliminary figures as to the scope and cost of such a project. Committeeman Gallop asked if the Township Committee would be interested in this sort of a project. Committeeman O'Connor said that if the land is available, he is supportive of this project. Committeewoman Hagner suggested that the demand for a community garden be ascertained prior to committing funds to the project, but added that the idea is worth pursuing. Committeeman O'Connor reported that the Environmental Commission is holding an electronics-recycling event on October 4, 2008. Administrator Ciccarone said that it has been brought to his attention that the Environmental Commission was planning to charge fees for the electronics-recycling event. He said that charging a fee would not be allowed, as the fees would need to have been set by ordinance. Committeeman Gallop was concerned about who would be enforcing the residency requirements at the electronics-recycling event. Committeewoman Hagner reported that the Planning Board discussed the new COAH requirements, and the Township will need to submit a Third Round plan by December 31, 2008. Committeeman O'Connor asked if the Township would be responsible for creating new affordable housing units if there is not any growth. Administrator Ciccarone said that the plan will be based on anticipated growth, and the number of units created will correspond to actual growth. Committeewoman Hagner reported that the Ten Towns Committee is having financial trouble. She also reported that the Recreation Committee is working on various tasks. Mayor Tubbs reported that Colony Pool had a successful year, and tennis lessons are still being conducted. Administrator Ciccarone reported that he attended the Government Finance Officer's Conference, and the current financial crisis was a major topic of discussion. He said that he feels that the Township will still be able to meet its financial obligations and stay within State mandated budget caps, but the current climate will need to be taken into consideration when the 2009 budget is developed. Also, there may be a need to pull back on some of the proposed capital improvements. Engineer Ruschke reported that he prepared a revised concept plan for Shunpike Field. He also reported that the asbestos has been removed from the former kitchen area, and the demolition work will begin soon. The Senior Center improvement project has gone out to bid, and a preconstruction meeting has been scheduled for the Bike Path project. Mayor Tubbs reported that the Township finally received from Madison a check for their share of the Sunset Lake drainage improvement project.

Hearing of Citizens

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

Public Hearing/Final Adoption of Ordinances

ORDINANCE 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.

Administrator Ciccarone said that this would be for several miscellaneous improvements to the sewer treatment plant and the pumping stations. Engineer Ruschke said that the improvements are necessary. Mayor Tubbs added that some of the improvements are overdue.

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

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

Introduction of Ordinances

ORDINANCE 2008-17

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, WAIVING DOG LICENSE FEES FOR GUIDE DOGS AND SERVICE DOGS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are amended to provide for modifications to Chapter V, Section 5-1.3, License and Registration Fees, by adding Subsection 5-1.3c, as follows:

1. Section 5-1.3c. The fees set forth in subsections 5-1.3a and 5-1.3b are waived for dogs that have been trained and are used as guide dogs and service dogs, and for dogs that are being trained for such purposes.
2. All other provisions of Section 5-1.3 shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Committeeman Gallop moved to introduce Ordinance 2008-17. Committeewoman Hagner seconded the motion.

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

Public Hearing on Ordinance 2008-17 will be scheduled for October 9, 2008.

Consent Agenda

RESOLUTION 2008-183

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM VARIOUS BOARDS AND COMMITTEES

BE IT RESOLVED by the Township Committee of the Township of Chatham

that the following monthly reports of departments be acknowledged as received:

- Tax Collector – August
- Construction Official – August
- Police Department – August
- Public Works – August

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:
Open Space – April, June

RESOLUTION 2008-184

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 September 11, 2008.

RESOLUTION 2008-185

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 September 11, 2008.

RESOLUTION 2008-186

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Chatham is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of December 31, 2008 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of Chatham agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Committeeman O'Connor moved to approve the Consent Agenda. Committeeman Gallop seconded the motion.

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

Discussion

Ordinance 2008-09 Revising the Land Development Ordinance

Attorney Woodward reviewed proposed language regarding basketball hoops. Administrator Ciccarone explained that the language needs to be amended to allow basketball hoops to be located in front yards. He also said that the definition of "accessory structure" could be changed to exempt basketball structures from being defined as such, and a requirement would need to be

put in that basketball hoops be setback at least 8 feet from the property line. Mayor Tubbs raised a concern about requiring permits for basketball hoops. Attorney Woodward explained that zoning and construction permits are not required for basketball hoops. The Township Committee also discussed what the setback should be from front property lines. Public Works Director Joe Barilla asked about portable basketball hoops, and said that people have claimed in the past that such units were damaged as a result of snow plowing. Mayor Tubbs asked that final approval of Ordinance 2008-09 be put on the agenda for the October 9, 2008 meeting.

ORDINANCE 2008-18

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AS RESPECTS BASKETBALL BACKBOARDS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are amended to provide for modifications to Chapter XXX, Section 30-6, *Definitions*, by amending the definition of *Accessory structure*, as follows:

1. Section 30-6. **Definitions.** *Accessory structure* shall mean a subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building. A basketball backboard permanently installed on a pole or post shall not be considered an accessory structure provided that the basketball backboard is located not closer than eight (8') feet from a side or rear property line nor less than one-half the distance of the required front yard setback.
2. All other provisions of Section 30-6 shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Attorney Woodward said that Ordinance 2008-18 would need to be referred to the Planning Board so that they can have time to comment on it.

Committeeman O'Connor moved to introduce Ordinance 2008-18. Mayor Tubbs seconded the motion.

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

Public Hearing on Ordinance 2008-18 will be scheduled for November 13, 2008.

Letter from Comcast

Mayor Tubbs said that the Township is still negotiating with Comcast regarding the televising of Township Committee meetings. The equipment is already on order, and a line still needs to be installed in the Municipal Building.

Election Day Holiday For Employees

Administrator Ciccarone explained that Election Day is designated as a holiday, and the Township employees have traditionally exchanged it for a different day. As Christmas is on a Thursday this year, it has been requested that the Township offices be closed on December 26, 2008. The Township Committee approved the request.

Resolution 2008-182

RESOLUTION 2008-182

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM HONORING PETER KATSAKOS FOR HIS YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP

Committeeman O'Connor moved to pass Resolution 2008-182 read earlier in the meeting. Committeewoman Hagner seconded the motion.

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

Hearing of Citizens/Petitions

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

Executive Session

RESOLUTION 2008-P-10

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Potential Litigation concerning Rolling Knolls Landfill

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

Committeeman O'Connor moved to pass Resolution 2008-P-10 to go into Executive Session at 8:55 P.M. Committeewoman Hagner seconded the motion.

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

The Committee returned from Executive Session at 10:15 P.M. Committeeman O'Connor moved to adjourn. Committeewoman Hagner seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk