

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
OCTOBER 11, 2007**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:43 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 5, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2007; and notice was filed with the Township Clerk on January 5, 2007.

Mayor Tubbs led the flag salute.

Roll Call

Answering present to the roll call were Committeewoman Hagner, Committeeman Hartford, Committeeman O'Connor, Deputy Mayor Brower and Mayor Tubbs. Committeeman O'Connor left at 9:40 PM.

Approval of Agenda

Mayor Tubbs stated there was one change to the agenda. Resolution 2007-196 and Resolution 2007-197 have been combined and will be introduced as an ordinance.

Deputy Mayor Brower moved to adopt the agenda as amended. Committeeman O'Conner seconded the motion and it carried unanimously.

Reports

Committeeman Hartford reported that the Board of Health discussed the creation of a Medical Reserve Corps. He also asked who would be responsible for maintaining the list of Medical Reserve Corps volunteers. Committeeman Hartford then reported that the Flu Clinic will be held on October 25, 2007, and he asked if the parking lot by the Senior Center could be reserved for the event. Committeeman Hartford also said he had received complaints related to the cellular antennas at Sunset Drive. He was concerned about notification to the residents prior to PSE&G spraying a defoliant, that construction began without a permit and the proximity to the natural gas pipeline. Administrator Ciccarone responded the residents had been given notice about the spraying, the NJDEP was notified, and that a stop work order had been issued with regard to the construction. Deputy Mayor Brower asked whether a resident could attend another Flu Clinic if someone was unable to attend the Flu Clinic held in Chatham Township. Committeewoman Hagner reported that at the Joint Recreation Advisory Committee meeting, two residents discussed the over-usage of plastic bottles at recreation fields. They are hoping to reduce the number of plastic bottles used, and are encouraging the use of reusable bottles. With regard to open space, Committeewoman Hagner said that interested parties would be in attendance at the next Open Space Committee meeting to discuss bicycle route signs for the Swamp Loop. Committeeman O'Connor asked about installation of lighting at Cougar Field, and Committeewoman Hagner said it is being discussed by the Board of Education. Committeeman Hartford asked about funding for Castle Park, and potential grant options were then discussed. Mayor Tubbs reported that he has been in contact with Mayor Plambeck regarding a 9/11 Memorial. The possibility of finding an alternate site for a memorial was discussed. The consensus of the Township Committee was that they are willing to work with Chatham Borough to move forward on this. Mayor Tubbs also reported that an e-mail was received from a Chatham Township resident regarding parking at the Chatham Borough Train Station. The Borough is discussing the implementation of a two-tiered parking fee structure whereby there would be one rate for Borough residents, and another rate for non-Borough residents. The consensus of the Township Committee is that a letter be written to the Borough Council asking them to reconsider the new parking fee structure. Mayor Tubbs also presented to Committeewoman Hagner with some grant information, and asked that she bring the information to the Open Space Committee for review. Mayor Tubbs said that he got a letter from the Morris

County Park Police, and the letter outlines the deer-hunting schedule in county parks. Deputy Mayor Brower asked that the letter be distributed to the rest of the Township Committee.

TVTN

George Silvas from TVTN made a presentation regarding the options for a video server and bulletin board. The Township would have the ability to have a televised community bulletin board so as to disseminate information. Furthermore, Township Committee meetings could be broadcast live, and could also be taped and rebroadcast at later times. The recording would also be stored in a format that could be burned to a DVD. Mayor Tubbs asked Mr. Silvas to explain where TVTN’s involvement would begin and end. Mr. Silvas said that he would be working in a consultative manner with a station administrator. Mayor Tubbs asked what happens when the sponsorship money exceeds the operating costs of the station. Mr. Silvas said that there is a profit made by TVTN, and it has not yet been determined how much money would be deferred to the Township. With regard to sponsorship, Mr. Silvas said that there are guidelines that are followed. Committeewoman Hagner added that the server would allow for remote access, so that authorized individuals would not have to come to the Municipal Building to post bulletins. Administrator Ciccarone added that the bulletin board feature would be an important communication tool.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2007-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND THE LAND DEVELOPMENT ORDINANCE REGARDING IMPROVEMENTS AND ALTERATIONS TO CERTAIN EXISTING DWELLINGS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County Morris, State of New Jersey that Chapter 30, Land Development, of the Code of the Township of Chatham, is hereby amended to modify Section 30-96.7 as follows:

Section 1.

30-96.7 Improvements and Alterations to Certain Existing Dwellings.

Notwithstanding any other provision of this chapter, any existing single family residence that does not meet the minimum yard set-back requirements for the residence zone in which it is located may be maintained, repaired or improved. Additions shall be permitted on the first floor of the dwelling, but may not encroach any further into any required front, side or rear yard than the existing structure. Additions extending above the first floor of the dwelling shall meet all yard setback requirements for the zone in which the dwelling is located, unless the existing upper floor extends into a required front, side or rear yard, in which case the addition may not encroach any further than the existing upper floor. However, no addition shall be permitted that involves any construction closer at any point to any property line than the distance set forth in the pertinent schedule below:

Distance from street right-of-way line:	25 feet
Distance from any side lot line:	
Width of lot measured from side line to side line by the shortest distance passing through the point <u>of the building nearest the street</u>	<u>Distance Required</u>
Over 80 feet but not more than 100 feet	12 feet
Over 70 feet but not more than 80 feet	9 feet
70 feet or less	6 feet
Distance from any rear lot line:	25 feet

All distances referred to in this section shall be measured at right angles to straight portions and to tangents of curved portions of lot lines.

The provisions of this subsection 30-96.7 shall also apply whenever a lot, front yard, side yard and/or rear yard is reduced so as not to meet the minimum requirements for the zone in which the residence is located, provided that the reduction is the result of an acquisition of land for road purposes by a governmental entity either by conveyance or condemnation.

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

Attorney Woodward said that comments were received from the Planning Board and the Board of Adjustment. He discussed the comments, and recommended that no significant changes be made. Committeeman Hartford asked for several clarifications on the provisions of the ordinance. He also raised a concern about squaring out of houses. Committeewoman Hagner suggested that the intent of the zoning regulations would be changed by this ordinance. Administrator Ciccarone responded that the old ordinance was unclear, and the current Zoning Officer interpreted the ordinance differently from his predecessor. The only amendment to the draft of this ordinance that Attorney Woodward advised adopting is the inclusion of the words “of lot lines” at the end of the second to last paragraph.

Deputy Mayor Brower moved to amend Ordinance 2007-15 to include the words “of lot lines.” Committeeman O’Connor seconded the motion.

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

Mayor Tubbs opened the Public Hearing on Ordinance 2007-15. Seeing no public comment, Mayor Tubbs closed the Public Hearing.

Committeeman O’Connor made a motion to adopt Ordinance 2007-15 as amended. Deputy Mayor Brower seconded the motion.

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

Introduction of Ordinances

ORDINANCE 2007-19

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$300,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COSTS THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$300,000, including the aggregate sum of \$15,000 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase and construction of playground	\$250,000	\$237,500	15
2.	Preliminary engineering and architectural work for renovations to Municipal Building	\$ 50,000	\$ 47,500	15
Total		\$300,000	\$285,000	

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

Section 5. The capital budget of the Township of Chatham is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 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 \$285,000. 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 purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the

payment of the obligations and the interest thereon without limitation of rate or amount.

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

Administrator Ciccarone reviewed the highlights of the bond ordinance. Committeeman Hartford raised a concern about the scope of the work to be done at the Municipal Building, and suggested that energy saving improvements be included in this project. Administrator Ciccarone cited various examples of potential work to be done, and said that environmentally friendly improvements will be pursued. A review of the building will be performed to determine what improvements need to be made. Deputy Mayor Brower said that he is uncomfortable with spending \$250,000 on a “destination playground,” and thinks that Castle Park should be funded by Morris County. Committeewoman Hagner responded that members of the community want the playground, and Chatham residents should not be denied Castle Park because of a fear that non-residents would come to use it.

Committeeman O’Connor made a motion to introduce Ordinance 2007-19. Committeewoman Hagner seconded the motion.

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

Public Hearing for Ordinance 2007-19 will be scheduled for October 25, 2007.

ORDINANCE 2007-20

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING MUTUAL AID AGREEMENTS AND INTERLOCAL SERVICE AGREEMENTS BETWEEN THE TOWNSHIP POLICE DEPARTMENT AND NEIGHBORING POLICE DEPARTMENTS

WHEREAS, N.J.S.A. 40A:14-156.1 provides that the governing bodies of two or more municipalities may by reciprocal ordinances enter into agreements with each other for mutual police or fire aid in case of emergency; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. provides that the governing bodies of two or more municipalities may by resolution enter into interlocal service agreements; and

WHEREAS, The Chief of the Chatham Township Police Department desires to enter into such agreements with surrounding police departments; and

WHEREAS, the Chatham Township Police Department and most other police departments have contractual provisions with their officers permitting off-duty employment, including but not limited to construction traffic duty, for third parties when such work is provided through the police department and the officer is paid by the third party; and

WHEREAS, there may be times when there are no local officers available to perform off-duty traffic duty for third parties;

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

1. The Mayor and Township Clerk are hereby authorized to execute the mutual aid agreements with Chatham Borough, City of Summit, Madison Borough, Borough of New Providence, Township of Berkeley Heights, Town of Morristown, Warren Township, and Bernards Township, copies of which are attached hereto and incorporated herein by reference.

2. The Mayor and Township Clerk are hereby authorized to execute the police interlocal service agreements with Chatham Borough, City of Summit, Madison Borough, Borough of New Providence, Township of Berkeley Heights, Town of Morristown, Warren Township, and Bernards Township, copies of which are attached hereto and incorporated herein by reference.

3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

4. In case any part of the ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other part of this ordinance except insofar as the part declared invalid shall be inseparable from the remainder of any other part thereof.

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

Attorney Woodward explained that this ordinance would authorize the updating of mutual aid and interlocal agreements with the municipalities named therein. He said that this action could be taken by resolution, but the resolution would need to be readopted every year. Attorney Woodward also explained how mutual aid agreements work. Deputy Mayor Brower raised a concern that this ordinance would allow the State to step in and govern the manner in which municipalities provide service each other.

Committeeman Hartford made a motion to introduce Ordinance 2007-20. Deputy Mayor Brower seconded the motion.

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

Public Hearing for Ordinance 2007-20 will be scheduled for October 25, 2007.

Mayor Tubbs called for a two-minute recess at 9:46 pm.
The meeting was called back to order at 9:49 pm.

Hearing of Citizens

Mayor Tubbs opened the Hearing of Citizens.

1. Pat Philipp, 52 Sunset Drive, provided pictures of goshawks, which are an endangered species. She also alleged that arsenic is being sprayed at the site where the cellular antenna is going to be installed. Mrs. Philipp then questioned the need for the cellular antenna. Furthermore, she said that there are energized poles in the Township. Engineer Ruschke said that he has been in touch with the Division of Fish and Wildlife as well as the NJDEP, and this case does not meet the criteria for review, however he would follow up with the EPA and NJDEP. Mrs. Philipp added that she did not receive any notification that spraying of herbicides would occur. Administrator Ciccarone said that he would investigate the matter of the energized poles. Mayor Tubbs said that AT&T would be required to obtain any necessary permits, and it does not appear as though they need any environmental permits. Furthermore, the Township Committee will not reopen the issue of the need for the antenna, as their decision on that matter has already been rendered.
2. Holly Glunk, 7 Sunset Terrace, said that she received notification of the herbicide spraying at 5:00 PM on September 18, 2007. When she called to inquire about the spraying, she was told that the chemical to be used had an arsenic base. Mrs. Glunk claimed that the spray killed plants in her back yard, and raised a concern over the effect that the spray could have on her family. Administrator Ciccarone asked if the spraying was related to the cellular antenna construction, or if it was part of PSE&G's maintenance program. Mrs. Glunk said that she was told that the spraying was for the construction of the antenna. Administrator Ciccarone said that PSE&G is required to maintain the right of way, and the Department of Homeland Security requires a certain amount of defoliation. Mr. Glunk said that he was home when the spraying occurred, and the work was performed up to the edge of his lawn. Attorney Woodward said that the Glunk's would be entitled to compensation if their property was damaged.
3. Mark Boyland said that the case has been assigned to Ginger Kopkash at the NJDEP, and suggested that Engineer Ruschke get in touch with her. He also asked if the Township Committee could require that Attorney Woodward research this issue to see if the case could be reopened if the facts of the case have changed. Deputy Mayor Brower asked if the merger of AT&T and Cingular would render the antenna unnecessary. Mayor Tubbs explained that AT&T and Cingular had already merged together, and that they are currently going through a name change.

Committeeman Hartford asked about the access road to the construction site. Engineer Ruschke said that he rejected a revised site plan because it was impractical. Pat Philipp asked who would monitor the site. Mr. Boyland said that the gap in coverage was a major basis of the zoning board's decision, and claimed that the gap in coverage no longer exists. Mayor Tubbs said that it

would be investigated to see when the merger took place. Attorney Woodward said that there are several factors that determine whether or not there should be a reconsideration of this issue. He also explained that the Township Committee was legally not allowed to consider any new evidence on the matter, and it would be up to the Board of Adjustment whether or not they would be willing to reopen the matter. Administrator Ciccarone indicated that the merger had taken place years ago, and that Mayor Tubbs was correct that they are simply changing the company's name. Furthermore, there are not any existing towers that would be able to alleviate the gap in coverage, hence why they are constructing a new antenna. Deputy Mayor Brower said that new evidence would have to be produced before anything could be done to reopen this case. Mrs. Philipp again asked about monitoring of the site. Engineer Ruschke said that either he or Construction Official Greg Impink could inspect the site.

4. Kathy Culleney, 77 Sunset Drive, asked if the access road would feed into Fairmount Avenue or Sunset Drive. Engineer Ruschke said that there is not yet an approved site plan. Mrs. Culleney suggested that an access point from Fairmount Avenue would likely be best, as it would diminish the risk to the children in the neighborhood. She also suggested that when Administrator Ciccarone follows up on the herbicide spraying, it should be determined whether it was done in preparation for the construction or in reference to the post-9/11 defoliation requirements.
5. Mark Boyland asked if there was any way that the Township Committee could pass a motion to re-file this case with the Board of Adjustment, and if they could have Attorney Woodward advise the citizens group on that process. Attorney Woodward explained that because he is the Township Attorney, it would be inappropriate for him to provide legal counsel to a citizens group. The citizens group will have to hire their own attorney. Mr. Boyland proceeded to ask again if there is any portion of the municipal code that would allow for the citizens to reopen the case before the Board of Adjustment. Administrator Ciccarone explained that there is no such provision.
6. Peter Hofmann, May Drive resident, said that Woodland Park is the wrong place to have considered placing a 9/11 Memorial. He also thinks that placing a memorial at Woodland Park would make the site harder to sell. Mr. Hofmann also said that the 9/11 Memorial should be placed on Township Property.

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

Consent Agenda

RESOLUTION 2007-192

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ENDORSING THE "GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007"

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland, and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007, the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey's preservation programs for one year and the Blue Acres program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

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

1. The municipality encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 on November 6, 2007.
2. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following: The Honorable Jon Corzine, Office of the Governor; State Senators; State Assemblypersons; Keep It Green c/o NJ Audubon Society; Daily and Weekly newspapers.

RESOLUTION 2007-193

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES, AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$1,285,000.34 and the prior month's payroll of \$433,649.82 Current Fund, \$43,964.80 Sewer No. 1, \$7,848.52 Sewer No. 2, and \$21,442.49 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2007, in the amount of \$2,110,429.00 be paid.

RESOLUTION 2007-194

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 27, 2007.

RESOLUTION 2007-195

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, SUPPORTING ADOPTION OF IDLE FREE ZONES

WHEREAS, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including greenhouses, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger asthma attacks and other ailments; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school age children are asthmatic) and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about 10 million tons of CO₂, 50,000 tons of nitrogen oxides, and 2000 tons of particulates); and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxins by reducing or eliminating wasteful vehicle idling; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again; and

WHEREAS, idling for 10 minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where New Jerseyans can be exposed to air pollutant emissions; and

WHEREAS, moving beyond New Jersey’s no-idling code of 3 minutes would significantly improve public health, air quality, reduce costs and greenhouse gas emissions;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham supports the adoption of “Idle Free Zones” by government agencies, schools, businesses, and other organizations by:

- Encouraging any gasoline or diesel powered motor vehicle to turn off their engines as soon as is practicable if they plan to remain at that location for more than 3 minutes.
- Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick-up areas, drive through windows, gas stations, parking lots, business centers, etc.
- Maintaining municipal vehicles to eliminate any visible exhaust.
- Enforcing existing violations and penalties under New Jersey’s existing no-idling code.
- Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

RESOLUTION 2007-198

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING REFUND OF A LICENSE FEE

WHEREAS, the applicant submitted an application and paid \$100 for a Retail Food Establishment License;

WHEREAS, the purchase of the retail food establishment will not occur;

WHEREAS, the Board of Health has recommended that the license fee be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that the \$100 refund be made to:

Corey Brozyna
Pat’s Pizza and Pasta, LLC
51 Knollwood Ave.
Madison, NJ 07940

RESOLUTION 2007-199

See Attached

RESOLUTION 2007-200

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>
Estate of Helen Lyons 7 Pleasant Run Road Flemington, NJ 08822	7760011056	\$16.25

Re: 296 Lafayette Ave

RESOLUTION 2007-201

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 30 NICHOLSON DRIVE

WHEREAS, the Township Engineer has certified that all applications requirements for 30 Nicholson Drive, Block 62.08, Lot 4 including the payment of the administrative review fee have been met and that sewer capacity is available.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 30 Nicholson Drive, Block 62.08, Lot 4.

Resolution 2007-191 Approving Raffles was pulled from the Consent Agenda because of a conflict of interest. Attorney Woodward said that Resolution 2007-195 No Idling Zones was revised pursuant to suggestions from Committeeman O'Connor, and should therefore be reviewed. Attorney Woodward said that Committeeman O'Connor had suggested that the phrase "plan to remain at that location for more than 30 seconds" be changed to reflect the NJDEP's standard of 3 minutes. Mayor Tubbs suggested that the phrase "turn off their engines after 10 seconds" be changed to encourage people to turn off their engines as soon as is practicable. With regard to the Bill List, Committeeman Hartford asked about a \$2000 bill to be paid to Coffey & Associates. Administrator Ciccarone said that there is a longstanding litigation regarding the closure of a landfill, and Richard Coffey is the attorney for the group defense. The bill in question is a quarterly payment for the Township's portion of the legal fees. Committeewoman Hagner asked how long the Township would be paying legal fees to Coffey & Associates. Attorney Woodward and Administrator Ciccarone explained how cases such as this one are handled. Committeeman Hartford also asked about the energy efficiency of streetlights. Deputy Mayor Brower asked about Colony Pool expenses. Committeeman Hartford asked for an explanation regarding Resolution 2007-199 Capital Budget Amendment. Administrator Ciccarone explained that this resolution amends the Capital Budget to be consistent with the Bond Ordinance that was introduced. Committeeman Hartford also asked for an explanation regarding Resolution 2007-192 Endorsing the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007. Administrator Ciccarone explained that the purpose of bonding a capital purchase is to have future taxpayers who will benefit from the service contribute their fair share.

Committeeman Hartford made a motion to adopt the Consent Agenda. Deputy Mayor Brower seconded the motion.

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

RESOLUTION 2007-191

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ST. PATRICK CHURCH

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by St. Patrick Church on April 19, 2008, at Corpus Christi Church, Chatham Township, are hereby approved.

Deputy Mayor Brower made a motion to adopt Resolution 2007-191. Committeewoman Hagner seconded the motion.

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

Discussion

Election Day Holiday

Administrator Ciccarone said that Christmas is on a Tuesday this year, and the township employees are willing to work on the Election Day holiday in exchange for having the day off on Monday, December 24, 2007 (Christmas Eve). The Township Committee consented to the request.

Library Levy Cap Exception

Committeeman Hartford asked for an explanation as to why the Library should remain outside the cap. Administrator Ciccarone said that he has not had an opportunity to research the matter. Mayor Tubbs said that the matter would be discussed at the next meeting.

Background Checks for Recreation Program Volunteers

Administrator Ciccarone said that a copy of the draft ordinance has been forwarded to Chatham Borough for review so that both municipalities can pass identical ordinances. Attorney Woodward said that all references to employees would be deleted from the draft, and Administrator Ciccarone said that background checks for employees are dealt with under personnel procedures. In regard to the Appeal Review Committee, Administrator Ciccarone suggested that the committee consist of the administrators or their designees. Committeeman Hartford and Mayor Tubbs suggested that the chiefs of the two police departments remain a part of the Appeal Review Committee. Chief Goeckel indicated that she has reviewed the draft ordinance, and did not have any suggestions. Committeeman Hartford suggested that a driving record check be added to the background check. Administrator Ciccarone indicated that the Recreation Department does not have any role in transporting children to games and/or practices. Committeeman Hartford also asked about record keeping. Committeewoman Hagner pointed out that the current draft says that the Recreation Director would be responsible for creating a set of policies and procedures. Administrator Ciccarone said that it should be the municipal administrators who create the policies and procedures. Committeewoman Hagner also asked if any conviction would lead to a disqualification. Attorney Woodward said that it was only the criteria spelled out in state law that would lead to a disqualification, and Administrator Ciccarone described the appeal process. Committeeman Hartford suggested that if a volunteer coach is arrested under one of the applicable charges, that they be suspended from coaching until such time that the matter is resolved. Committeewoman Hagner asked about the provision of the draft ordinance that would require rechecks every 24 to 36 months, and how it would be determined when a recheck is performed for any particular coach. Mayor Tubbs suggested that the ordinance should fix the time frame at 36 months. Deputy Mayor Brower suggested that a private citizen such as a priest or minister be involved in this process.

Committeeman Hartford moved to adjourn at 12:13 AM. Deputy Mayor Brower seconded the motion and it carried unanimously.

Joy Wiley
Municipal Clerk