

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
OCTOBER 22, 2009**

Deputy Mayor Hagner called the regular meeting of the Township Committee of the Township of Chatham to order at 7:33 PM.

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2009; and notice was filed with the Township Clerk on January 8, 2009.

Deputy Mayor Hagner led the flag salute.

**Roll Call**

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

**Approval of Agenda**

Committeeman Brower moved to approve the Agenda. Committeeman O'Connor seconded the motion, and it carried unanimously.

**Reports**

Committeeman Gallop reported that the Recreation Committee discussed the current programs, and they are running well. For the football program, there was discussion on playing time. Winter fees were also discussed, and the fees are proposed to be \$20 for grades 3 and 4, and \$30 for grades 5 and up. The JV baseball field has also been upgraded. Deputy Mayor Hagner asked about the fees, and Committeeman Gallop said that they are remaining consistent. Regarding Open Space, Committeeman Gallop reported that he has been in touch with Denise Chaplick from the Morris County Department of Transportation regarding shared-lane markings on Southern Boulevard. It is necessary for the Township to issue a letter of approval for this project before it can move forward. The Township will be responsible for the cost of painting, and the County's contribution includes the engineering services. The County will also put up the share-the-road signs.

Committeeman Gallop moved to authorize a letter of approval for the shared-lane markings project. Committeeman O'Connor seconded the motion, and it carried unanimously.

Deputy Mayor Hagner asked Administrator Ciccarone to write the approval letter, and to have it done prior to the repaving of Shunpike Road. Administrator Ciccarone mentioned that Shunpike Road is not part of the bicycle-marking project, because the relevant section is too narrow and does not have adequate shoulder space. Committeeman O'Connor reported that the Ten Towns Committee has a meeting next week, and he will update the Township Committee on that meeting. Committeeman Brower reported that the Great Swamp Refuge would be having a deer hunt on October 31, 2009 and again from November 4 – November 7, 2009. The park will be closed during the hunt. Committeeman Brower also noted that several municipalities in Essex County are engaging in some measure of deer hunting. Furthermore, he discussed the lack of efficacy in a deer contraception program. Administrator Ciccarone reported that a meeting was held among supervisory staff regarding H1N1, and centered on what to do in the event of a flu outbreak among Township staff. Committeeman Brower said that he has read conflicting reports about vaccination shots, and pointed out that there is currently a shortage. Deputy Mayor Hagner said that the Township is doing everything it needs to do. Administrator Ciccarone said that the vaccination is behind in production, but it is in production. Also, the swine flu vaccination is made in the same manner as the seasonal flu vaccinations, and there is no data that would suggest that it is any more dangerous than the seasonal flu vaccine. Administrator Ciccarone also said that the Madison Health Department was able to acquire an ample amount of the vaccine, and the Chatham High School also ran a clinic for students. A second clinic will be

run for the students who were unable to receive the vaccination during the first clinic. It is also expected that by the middle of November, vaccination production will be back on track. Committeeman Brower asked about the necessity of follow up shots for swine flu vaccinations. Administrator Ciccarone said that only children under the age of 2 need the two shot course. Furthermore, the CDC recommends that people born before 1950 do not require the swine flu vaccination. Committeeman Gallop said that the two shot course is suggested for anyone under the age of 10. Deputy Mayor Hagner reported that the Township was awarded a \$160,000 DOT grant for improvements on Lafayette Avenue. She also cited a letter from residents of Lafayette Avenue requesting the installation of sidewalks. Committeeman Brower said that he and Committeeman Gallop were asked to meet with Public Works Director Joe Barilla to assess sidewalk maintenance and installation, and there are still several issues to be worked out. Deputy Mayor Hagner asked that sidewalks be a discussion item at the next Township Committee meeting. Committeeman O'Connor asked that Engineer Ruschke send an updated copy of the sidewalk prioritization list to the Township Committee. In regards to the letter from Lafayette Avenue residents, Committeeman O'Connor asked that Engineer Ruschke prepare a cost estimate. Deputy Mayor Hagner reported that a meeting was held between the Township, Borough and School District regarding government access television, and Tom Salvias has prepared a report from the meeting. Attempts are being made to integrate the three channels. Committeeman Brower asked if there has been any response to a letter sent by Mayor Tubbs to Mayor Vaughn regarding parking machines at the Chatham Train Station. Administrator Ciccarone said that Mayor Vaughn sent a reply that the complaints about broken machines were inaccurate, and that there are an adequate number of machines. Committeeman Brower asked if the reply addresses Mayor Tubbs' query about the inequity of the parking fees. Administrator Ciccarone was unsure if the response addressed parking fees. Engineer Ruschke reported that the contractor who will be doing paving work at Pine Street and the Municipal Building parking lot is scheduled to resume work on October 28, 2009. Work will also be done on Shunpike Road, and the paving will commence during the first week of November. Engineer Ruschke also reported that the Planning Board sent a letter to the Township Committee regarding Shunpike Field, and several concerns were raised both by the Planning Board and the public. A meeting was held at the site with residents, and modifications were made to the plans to address those concerns. Changes include a reduction in width of the playing area, a reduction in the run out area, the elimination of the dugout area, elimination of bleachers on one side of the field, and only two trees would be removed. A five-foot sidewalk is also going to be installed. A lot of debris is also going to be cleared out from the wooded area, and Engineer Ruschke suggested that the arborist review the site to recommend new plantings once the debris is removed. He also suggested that the bid documents request bids on two materials. Administrator Ciccarone asked if it would be possible to go to bid on the crumb rubber, and have several materials listed as alternate bid items. Engineer Ruschke said that several items could be listed, and cost would be weighed against the benefits of the particular materials. Attorney Woodward suggested that bidders be required to bid on all the alternate items. Committeeman Brower said that there is no evidence of danger in crumb rubber, and warned that an increase in price might lead Chatham Borough and/or the Chatham Athletic Foundation to back out of the funding of the project. He also asked if there would be gate access from Sunset Lake. Engineer Ruschke said that the fence is an issue that can be worked out at a later time. Administrator Ciccarone acknowledged that several residents were present from the Sunset Lake neighborhood, and he said that Engineer Ruschke would be reviewing the plans and revisions with them after the meeting. Furthermore, he and Engineer Ruschke could meet with the residents again in the field if necessary. Committeeman Brower suggested that the landscaping at this site include screening.

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

Deputy Mayor Hagner opened the Hearing of Citizens.

1. Tom Winter, Buttonwood Lane resident and member of the Chatham Athletic Foundation (CAF), thanked the Township Committee for their hard work on the Shunpike Field project. He also said that the CAF approved their portion of the funding of this project.
2. Paul Ivans, Chatham Borough resident and a member of CAF, also thanked the Township Committee for their efforts, and said that the people involved in this project are very engaged and are trying to do the right thing.

3. Kathy Abbott, Wynwood Road resident and Environmental Commission member, hopes that the alternate materials can be included in the bid specifications. She would like for the material with the least toxicity to be selected for this project. Mrs. Abbott also cited an NJEA publication that says that bid specifications for artificial turf should include long-term maintenance and disposal costs. There is also specialized maintenance equipment that would have to be purchased from the vendors, and there will be maintenance costs beyond the initial installation.
4. Jim Jenkinson, Gibbons Place resident, commented on a Chatham Day School land use application. He wanted to make people aware that there are environmental impact issues in the application that would affect the residential area surrounding the school. Mr. Jenkinson also said that the Chatham Township and Madison environmental commissions oppose the application, as does the Great Swamp Watershed. Committeeman Brower said that if the Chatham Day School ceased to exist, then the property could revert to a residentially zoned area, and there was a plan in the past for 20 homes to be built on a portion of that property. Mr. Jenkinson said that the residents in that neighborhood think that a residential use would be less intrusive.
5. Rinna Lin, Lake Road resident, asked that if crumb rubber is used at Shunpike Field that the field be tested every two years for zinc and lead. In regards to lighting at Shunpike Field, Mrs. Lin said that if lights are installed, the residents in Sunset Lake would like to see regulations enacted to govern when lights can be used. Deputy Mayor Hagner said that the current plan does not include lighting, and Administrator Ciccarone added that lighting hours would likely mirror Nash Field, where lights go off at 10:00 P.M. There also are not any plans to install any public announcement equipment at Shunpike Field. Mrs. Lin also raised a concern about the future cleanup of materials when the field has to be resurfaced. Administrator Ciccarone said that there is a limited life for the turf fields, but there is no exact timeframe as to how long the field will last, and it is unknown at this point how the materials will be recycled at that time. Mrs. Lin also raised a concern about liability insurance for the Sunset Lake Association, fearing that the lake might become an attractive nuisance. Administrator Ciccarone said that Sunset Lake would become less accessible from Shunpike Field due to the installation of fencing. Attorney Woodward pointed out that the streets that lead to Sunset Lake are public roads, down which anyone can travel at any time. Mrs. Lin also raised concerns about the health effects that artificial turf could have.
6. Linda Sisk, Lake Road resident, asked about the proposed placement of fencing, if it would be between the field and the asphalt walkway. Deputy Mayor Hagner said that the currently proposed fence is at the edge of the field, and Administrator Ciccarone added that a fence might also be installed at the edge of the woods.
7. Mary Ann Fasano, Lake Road resident, said that it was her understanding that the roads leading to Sunset Lake were unaccepted roads, and she asked Attorney Woodward to comment. Attorney Woodward said that they are not private streets, and whether or not the Township has accepted these roads would not inhibit the public's ability to travel down them.

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

Committeeman Brower moved to go out to bid for the Shunpike Field project. Committeeman O'Connor seconded the motion.

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

### **Consent Agenda**

#### **RESOLUTION 2009-207 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, September
- Animal Control – September
- Chatham Emergency Squad – September
- Municipal Court – September
- Construction Official – September
- Fire Official – July, August, September
- Public Works – September
- Police Department – August
- State Training Fees – Third Quarter
- Vital Statistics Payment – Third Quarter
- Dog/Cat Licensing – Third Quarter

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

- Board of Health – September
- Open Space – June

**RESOLUTION 2009-208**  
**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 October 8, 2009.

**RESOLUTION 2009-209**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**  
**OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on October 8, 2009.

**RESOLUTION 2009-210**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPROVING RAFFLES FOR JOHN TAYLOR BABBITT FOUNDATION INC**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by the John Taylor Babbitt Foundation, Inc. on December 9, 2009, at the Fairmount Country Club, Chatham Township, are hereby approved.

**RESOLUTION 2009-211**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPROVING 2010 INTERLOCAL SERVICES AGREEMENT FOR UTILIZATION OF THE**  
**COUNTY’S MOBILE DATA TERMINAL SYSTEM**

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Interlocal Services Agreement with the County of Morris for utilization of the County’s Mobile Data Terminal System for a term of one year, commencing January 1, 2010 and terminating December 31, 2010. A copy of this agreement will be kept on file in the Office of the Township Clerk.

**RESOLUTION 2009-212**  
**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>
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Hickory Square Associates c/o Fidelity Management Co. 641 Shunpike Road Chatham, NJ 07928	Cash Account # 7760011204	\$2,143.47
	Bond No S12559	<u>\$19,291.22</u>
	Total	\$21,434.69

Block 48.23, Lot 126.04

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

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

**Discussion**

Emergency Repairs to Sewer Treatment Plant

**RESOLUTION 2009-213  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM AUTHORIZING AN EMERGENCY CHANGE ORDER TO THE  
CONTRACT WITH BLOOMING GLEN CONTRACTORS, INC. FOR REPAIR OF THE  
PRIMARY CLARIFIER AT THE TANGLEWOOD LANE SEWAGE TREATMENT  
PLANT TO REPAIR THE MAIN SHAFT OF SAID CLARIFIER**

**WHEREAS**, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, Blooming Glen Contractors, Inc., with address at P.O. Box 391, Blooming Glen, PA 18911, for repairs to the primary clarifier of the Tanglewood Lane Sewage Treatment Plant in the amount of \$65,774.00; and

**WHEREAS**, during the course of said repairs, it has become necessary to repair the main shaft of the clarifier, a condition that could not have been foreseen at the time of the award of the original contract; and

**WHEREAS**, Blooming Glen Contractors, Inc. has submitted a proposal for this emergency repair in the amount of \$38,198.75 as a change order to the original contract, which proposal has been reviewed and approved by the Township Engineer, who has certified that said condition is a bona fide emergency inasmuch as the primary clarifier is not operational during this time and continuation thereof will have a detrimental effect on the public health, safety and welfare.;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby approves the award of a change order to Blooming Glen Contractors, Inc. in the amount of \$38,198.75 for the emergency repair to the main shaft of the primary clarifier of the Tanglewood Lane Sewage Treatment Plant and hereby authorizes the Mayor and Clerk to execute such documents as necessary to complete said repair.

Administrator Ciccarone explained that as part of upgrades and repairs to the WPC1 Sewer Treatment Plant, the Township Committee had awarded a contract for repairs to the primary clarifier. When the unit was disassembled for the repairs, it was discovered that there was previously unseen damage to the main shaft, and repairs to the shaft are required. Engineer Ruschke explained the purpose of a clarifier, and he said that the main shaft was not originally part of the repair project because it did not appear damaged in any way. Furthermore, the repairs will exceed the 20% change order limitation, and Engineer Ruschke said that he would be writing a report as to why it is necessary. Blooming Glen gave a quote of \$38,198.75, and the work will be performed on a time-material basis not to exceed that amount. Committeeman Brower asked why the shaft was not included in the original bid, and Engineer Ruschke said that it was not included due to cost considerations since it was not thought to be in need of replacement at the time. The total cost of the project with the change order will be approximately \$104,000, and as some of the other original bids on the project were in the \$94,000 range without the inclusion of the shaft replacement, the work by Blooming Glen will be done at a very competitive price. Committeeman O'Connor asked how the system is working without the clarifier in use. Engineer Ruschke said that it is still feasible without the use of the clarifier, but cannot be run as such for a long period of time.

Committeeman O'Connor moved to pass Resolution 2009-213. Committeeman Brower seconded the motion.

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

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

Deputy Mayor Hagner opened the Hearing of Citizens.

Hearing none, Deputy Mayor Hagner closed the Hearing of Citizens.

### **Other Business**

Committeeman Brower said that he and Committeeman O'Connor attended the Candidates Night, and at that event Mayor Tubbs pointed out that for municipalities to merge, both municipalities would need to be willing to work together. Furthermore, none of the candidates from Chatham Borough were willing to consider a study of consolidation. Committeeman Brower also said that there are signs that municipalities will soon be forced into regionalization. Committeeman O'Connor said that the Township should continue to incrementally look to share services. He also found it interesting that the candidates from Chatham Borough would not even consider a study on the financial implications of a consolidation of the Chathams.

Committeeman Brower pointed out that there would be barriers that would have to be overcome in order for a merger to take place, which would include a referendum to determine the type of government of the consolidated municipality.

### **Executive Session**

#### **RESOLUTION 2009-P-14**

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

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

Personnel Issues

Property Acquisition for Open Space

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

Committeeman O'Connor moved to pass Resolution 2009-P-14 to go into Executive Session at 9:10 PM. Committeeman Gallop seconded the motion.

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

The Township Committee returned from Executive Session at 9:36 PM.

Committeeman Brower moved to adjourn at 9:37 PM. Committeeman O'Connor seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Deputy Municipal Clerk