

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
OCTOBER 23, 2008**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:34 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.

Webelos Scouts Pack 6 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**

Mayor Tubbs asked that discussion on an agreement between the Chatham Emergency Squad and the Township regarding the bike trail be added to the agenda.

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

**Reports**

Committeewoman Hagner reported that she attended a Ten Towns Watershed meeting, and they are looking for ways to restructure the committee and reduce their costs. They are also going to be holding a Mayor's Breakfast on November 12, 2008, and they are trying to get legislators involved in various initiatives. Committeewoman Hagner also reported that the equipment for televising Township Committee meetings has been ordered, and Gramco will be installing it in November. A letter is going to be sent to Comcast regarding a return line. Committeewoman Hagner and Tom Salvas have also been in touch with the high school to have them help with equipment operation. Committeewoman Hagner further reported that an Eagle Scout project to improve the path between the two parking lots at Shunpike Fields is moving forward. Deputy Mayor Brower reported that the Senior Center hosted a meeting of the various groups that provide transportation to senior citizens. The major issues discussed included funding, the difficulty in finding volunteer drivers, and transportation across county lines. Regarding deer, Deputy Mayor Brower reported that things are running smoothly. Committeeman O'Connor reported that the Environmental Commission would be meeting again on November 4, 2008. He also said that he attended the recent Planning Board meeting at which COAH was discussed. Committeeman Gallop said that he received about 30 e-mails from residents expressing interest in a community garden. He also said that he has asked Public Works Director Joe Barilla to take a look at the Motto Property and offer an opinion as to if it would be suitable for this project. Committeeman O'Connor asked about some trees by the Southern Boulevard Firehouse that were removed recently. Administrator Ciccarone explained that the Fire Department said that the trees would need to be taken down before they could proceed with their renovation project. Committeewoman Hagner asked if Share-the-Road signs would be put up around the Swamp Loop. Committeeman Gallop explained that the Freeholders have delayed the installation of the Share-the-Road signs. Mayor Tubbs reported that Engineer Ruschke was not present at the Township Committee meeting as a cost saving measure. It has been theorized that the Township could save money by only paying Engineer Ruschke to attend meetings at which his presence is actually necessary. Mayor Tubbs also commended the Police Department, fire departments, Emergency Squad, and all others who participated in locating a hiker who was lost in the Swamp on October 19, 2008. Regarding Shunpike Fields, Mayor Tubbs reported that he, Administrator Ciccarone and Engineer Ruschke met with residents who live near the field to discuss the conceptual plans. The meeting was well attended, and the residents raised several concerns.

Administrator Ciccarone said that Engineer Ruschke would be presenting an engineering proposal for the Shunpike Field project at the November 13, 2008 meeting. Deputy Mayor Brower asked about the installation of sidewalks in the Falmouth area. Administrator Ciccarone said that there are still some issues that have to be worked out first. Committeeman Gallop said that he had spoken with Angela Clerico from Banisch Associates regarding a possible Safe Routes to School grant proposal. Deputy Mayor Brower said that he thinks it would be a mistake not to pursue the sidewalks, and does not think that they should wait for grants. Mayor Tubbs asked Committeeman Gallop to contact Ms. Clerico about preparing a report prioritizing those areas of the Township that most need sidewalks.

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

Mayor Tubbs opened the Hearing of Citizens.

1. Ellen Trasente, Fairmount Avenue resident, suggested that residents who live on Fairmount Avenue near the area of Tanglewood where deer hunting is permitted should be given the option to voice their concerns about hunting in that neighborhood. She said that local residents use the woods in that area, and she wants people to be able to use the woods safely. Deputy Mayor Brower indicated that he would work with Officer Curtis on this issue.

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

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

#### **ORDINANCE 2008-19**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A DEVELOPMENT FEE ORDINANCE FOR THE TOWNSHIP**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the following development fee ordinance is hereby adopted:

- 1. Purpose**
  - a) **In Holmdel Builder's Association V. Holmdel Township**, 121 **N.J.** 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), **N.J.S.A.** 52:27d-301 *et seq.*, and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
  - b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
  - c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.
- 2. Basic requirements**
  - a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
  - b) The Township of Chatham shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.
- 3. Definitions**
  - a) The following terms, as used in this ordinance, shall have the following meanings:

- i. “**Affordable housing development**” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- ii. “**COAH**” or the “**Council**” means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. “**Development fee**” means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
- iv. “**Developer**” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. “**Equalized assessed value**” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. “**Green building strategies**” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**4. Residential Development fees**

a) Imposed fees

- i. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with

preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. Developers of residential structures demolished and replaced as a result of a fire, flood or other natural disaster shall be exempt from paying a development fee.
- v. Within the AH Affordable Housing District, residential developers shall be exempt from paying a development fee.

## **5. Non-residential Development fees**

### **a) Imposed fees**

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

### **b) Eligible exactions, ineligible exactions and exemptions for non-residential development**

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these

circumstances may be enforceable by the Township of Chatham as a lien against the real property of the owner.

**6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Township of Chatham fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Chatham. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Chatham. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**7. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. payments in lieu of on-site construction of affordable units;
  - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - 3. rental income from municipally operated units;
  - 4. repayments from affordable housing program loans;
  - 5. recapture funds;
  - 6. proceeds from the sale of affordable units; and
  - 7. any other funds collected in connection with the Township of Chatham's affordable housing program.
- c) Within seven days from the opening of the trust fund account, the Township of Chatham shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

**8 Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township of Chatham's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimbursement of the Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Township of Chatham to bonus credits pursuant to N.J.A.C. 5:97-3.7.

- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township of Chatham may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**9. Monitoring**

- a) The Township of Chatham shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**10. Ongoing collection of fees**

- a) The ability for the Township of Chatham to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township of Chatham fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Chatham shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township of Chatham shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

**11. This ordinance shall take effect as provided by law.**

Administrator Ciccarone explained the purpose and effect of this ordinance. Deputy Mayor Brower asked how this ordinance would affect buildings such as churches and the Emergency Squad. Mayor Tubbs pointed to a section that exempted those buildings owned by organizations that are exempted from property taxes. Deputy Mayor Brower also asked if this ordinance would be applied retroactively, and Administrator Ciccarone said that fees could only be collected on future development. Deputy Mayor Brower raised a concern about vague language in the ordinance. Mayor Tubbs said that the language in the ordinance is based on a model ordinance prepared by COAH, and it can be amended at a later time if necessary.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-19. Seeing none, Mayor Tubbs closed the Public Hearing.

Committeeman O'Connor moved to adopt Ordinance 2008-19. Mayor Tubbs seconded the motion.

Committeeman Gallop asked what sort of expansions to a structure would be exempted from a developer fee. Administrator Ciccarone said that anytime there is an addition to a house, a fee would be imposed. Mayor Tubbs reminded the Township Committee that this ordinance would not go into effect until it is approved by COAH. Committeewoman Hagner said that she is opposed to charging a development fee on minor expansions. Committeeman Gallop asked if there is a definition for exempt expansions. Committeewoman Hagner suggested that “or is expanded, if the expansion is not otherwise exempt from the development fee requirement” be deleted from the ordinance, and Administrator Ciccarone replied that it would be better to clarify what that section means.

Committeewoman Hagner moved to table Ordinance 2008-19 until clarification is provided. 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.

**Introduction of Ordinances**

**ORDINANCE 2008-20**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING REGULATION OF EXEMPTIONS AND HOURS FOR CANVASSING**

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

1. Chapter IV, GENERAL LICENSING, of the Revised General Ordinances of the Township of Chatham, 1995, is hereby amended to amend Sections 4-1.20g and 4-1.21 as follows:

**4-1.20 Exempt Persons**

g. Any member, officer, employee, agent or representative of a religious or political organization, who is engaged in any door to door canvassing on behalf of or for such organization.

**4-1.21 Hours.** No peddler, solicitor or canvasser shall engage in such activities on Sundays or legal holidays, nor on any weekdays or Saturdays except between the hours of 9:00 a.m. and 5:00 p.m., prevailing time, except that canvassers may engage in such activities on weekdays between the hours of 9:00 a.m. and 9:00 p.m., prevailing time.

2. This ordinance shall take effect in accordance with law.

Administrator Ciccarone explained that Ordinance 2008-20 would bring the Township into compliance with court decisions regarding canvassing. Political groups and religious groups would not be required to register with the Police Department prior to canvassing, and the hours during which canvassing is allowed would be expanded. Mayor Tubbs said that he is not necessarily in favor of allowing canvassers to operate until 9:00 P.M., but he would rather that the Township avoid potential lawsuits. Administrator Ciccarone added that this ordinance would protect the Township from paying any damages. Committeeman O’Connor suggested that the existing ordinance was already reasonable.

Committeewoman Hagner moved to introduce Ordinance 2008-20. Committeeman Gallop seconded the motion.

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

Public Hearing on Ordinance 2008-20 will be scheduled for November 13, 2008.

**Consent Agenda**

**RESOLUTION 2008-195**

**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 – September  
Fire Official – July, August, September  
Municipal Court – September  
Construction Official – September  
Public Works – September  
Registrar – 3<sup>rd</sup> Quarter  
State Training Fees – 3<sup>rd</sup> Quarter  
Dog Licensing Official – 3<sup>rd</sup> 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:

Chatham Joint Recreation Advisory Committee – September  
Board of Health – July

**RESOLUTION 2008-196**

**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 meetings held on October 9, 2008.

**RESOLUTION 2008-197**

**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 October 9, 2008.

**RESOLUTION 2008-198**

**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>
Fairmount Country Club 400 Southern Boulevard Chatham, NJ 07928	7200012992	\$4830.65
Rolling Hill Co. 466 Southern Boulevard Chatham, NJ 07928 Re: 20 Candace Lane	7760011199	\$356.00

Rolling Hill Co. 466 Southern Boulevard Chatham, NJ 07928 Re: 12 Candace Lane	7760011198	\$356.00
Rolling Hill Co. 466 Southern Boulevard Chatham, NJ 07928 Re: 16 Candace Lane	7760011197	\$356.00
Rolling Hill Co. 466 Southern Boulevard Chatham, NJ 07928 Re: 12-16-20 Candace Lane	7760011173	\$3,300.00
Rolling Hill Co. 466 Southern Boulevard Chatham, NJ 07928 Re: 12 Candace Lane	7760011190	\$833.00

Deputy Mayor Brower 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, Aye; Mayor Tubbs, Aye.

**Discussion**

Awarding Contract for Modifications to the Chatham Senior Center

Administrator Ciccarone said that the Township went out to bid again for the modifications to the Senior Center. For this round of bidding, the upgrades to the restrooms became the primary base bid. Nine bids were received, and there was a broad range of price amounts. Furthermore, the apparent low bidder for the base bid subsequently sent a memo to the Township indicating a desire to withdraw the bid due to a mathematical error. Mayor Tubbs asked if Chatham Borough is willing to share in the costs of this project. Administrator Ciccarone said that Chatham Borough offered \$30,000 toward the project. Mayor Tubbs suggested that the Township ask Chatham Borough to contribute half of the cost of the project. Administrator Ciccarone informed the Committee that the restrooms are the only critical issue that needs to be addressed. Administrator Ciccarone said that for the base bid, the lowest bid was approximately \$32,000, but that is the bid that was withdrawn. The next lowest bid came in at approximately \$52,500. Deputy Mayor Brower suggested that if the economy continues to suffer, there may be more contractors interested in the job, but material costs might also continue to rise. Mayor Tubbs said that the Township should obtain a written confirmation from Chatham Borough that they would contribute to the project. Administrator Ciccarone said that they would also need to review the bid and work out a construction schedule with the Senior Center. He also said that the matter could be brought to a vote at the November 13, 2008 meeting.

Agreement with Chatham Emergency Squad

Administrator Ciccarone explained that a formal agreement needs to be made with the Chatham Emergency Squad to allow the bike path to be placed along a sanitary sewer easement that runs along the Emergency Squad's property. The Administrator also provided a brief description of the content of the agreement. Committeewoman Hagner added that a similar agreement would be made with the Chatham Township Fire Department.

Deputy Mayor Brower moved to approve the agreement. Committeewoman Hagner 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.  
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

**Executive Session**

**RESOLUTION 2008-P-13**

**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 Property Acquisition**

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-13 to go into Executive Session at 9:24 P.M. Committeeman Gallop seconded the motion.

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

The Committee returned from Executive Session at 9:40 P.M. Committeeman Gallop moved to adjourn. Committeeman O'Connor seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk