

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
NOVEMBER 8, 2007**

Mayor Tubbs called the workshop 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.

Approval of Agenda

Mayor Tubbs asked that the Hearing of Citizens be held after reports. He also asked that the discussion on the Tree Protection Ordinance be tabled until the next meeting. Attorney Woodward said that there is an additional resolution for the consideration of the Township Committee regarding Rolling Knolls Landfill. Mayor Tubbs added that there would be an Executive Session for personnel matters.

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

Reports

Committeeman Hartford asked if any events would be held in the Township in honor of Veterans Day. Mayor Tubbs said that an event would be conducted on Veterans Day by the Green Village Fire Department. Committeeman O'Connor reported that the Environmental Commission met and discussed the No Idling Zone program. Deputy Mayor Brower reported that the bow-hunting season has been running smoothly. With regard to the Local Assistance Board, Deputy Mayor Brower said that nothing has transpired, and a meeting will be held in December. Committeewoman Hagner reported that equipment for Castle Park is being ordered. Furthermore, she has been trying to get in touch with Patriot Media to set up a meeting regarding the government access channel implementation program. Committeewoman Hagner also reported that the Board of Education discussed lighting at Cougar Field and at Haas Field. Additionally, the School District's athletic program had a very successful program. Deputy Mayor Brower discussed a letter sent from the Borough of Madison to the School District of the Chathams opposing lighting at Cougar Field. In response to the library levy cap, Mayor Tubbs reported that a response was received from the offices of Senator Kean, Assemblyman Bramnick and Assemblyman Munoz that they would support overturning the cap if the matter is raised again in the State Legislature. A response was also received from Chatham Borough regarding the parking fees at the train station. Mayor Tubbs has been in touch with Mayor-elect Vaughn, and they hope to begin a dialogue regarding various issues. Furthermore, there are still parking permits available at the Murray Hill Train Station. Mayor Tubbs also reported that a response has not yet been received from the NJDEP regarding Shunpike Fields. Additionally, the sampling of the Passaic River was conducted, and Mayor Tubbs expects that the results will be received in December.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

1. Abigail Fair, Green Village Road resident, provided suggestions regarding the tree ordinance. Mrs. Fair said that most of the complaints occur when houses are demolished, and she suggested that the permit process be altered to require that trees in sidelines be retained. She also suggested that there be better outreach to citizens to educate them about the importance and value of trees to the community.
2. Margy Capecelatro, Britten Road resident, said that in Long Hill Township there is a loophole in the tree ordinance that allows for the clear cutting of vacant lots. Mayor Tubbs said that the Chatham Township tree ordinance does not have the same loophole. Ms. Capecelatro asked if there could be a “call-before-you-cut” law. Mayor Tubbs said that permits are required for tree removal, and fines will be imposed for the illegal removal of trees. Deputy Mayor Brower suggested that fines should be allowed to increase every time that a developer commits an offense. With regard to education, Deputy Mayor Brower suggested that the Environmental Commission put together an information packet that realtors could provide to new residents.
3. Mel Reinhart, Dogwood Drive resident, asked if any ceremony would be held on Veterans Day at Southern Boulevard School. Mr. Reinhart also commented on election signs. He asked if there were any statistics available as to whether or not any votes were gained by either candidate because of the signs. Furthermore, Mr. Reinhart asked who is responsible for cleaning up the signs after the election.

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

Proclamation

Mayor Tubbs read the attached proclamation proclaiming November 2007 as National Family Caregivers Month.

Consent Agenda

RESOLUTION 2007-208

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 \$409,171.84 and the prior month’s payroll of \$432,518.46 Current Fund, \$44,235.94 Sewer No. 1, \$7,848.56 Sewer No. 2, and \$17,080.98 Police Private Employment be paid.

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

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Fourth Quarter of 2007, in the amount of \$2,257,740.07 be paid.

RESOLUTION 2007-209

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING RESOLUTION 2007 –102 ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2007.

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2007-102, establishing salaries of non-contractual employees for 2007, is hereby amended as follows:

Zoning Officer	21.38 HR.
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This Resolution shall take effect immediately.

RESOLUTION 2007-210

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2007 municipal budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Appropriation	To	From
Electricity	\$12,000	
Code Enforcement S&W	\$18,000	
Engineering OE	\$30,000	
Gasoline	\$20,000	
Police OE	\$10,000	
Buildings & Grounds S&W		\$20,000
Dispatch S&W		\$45,000
Colony Pool S&W		\$15,000
Code Enforcement OE		\$6,000
General Admin OE		\$4,000
Total	\$90,000	\$90,000

RESOLUTION 2007-211

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 25, 2007.

RESOLUTION 2007-212

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 25, 2007.

RESOLUTION 2007-213

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SITE ACCESS AGREEMENT REGARDING THE ROLLING KNOLLS LANDFILL

WHEREAS, the Rolling Knolls Group (the Group) has undertaken a Remedial Investigation/Feasibility Study (RI/FS) at the direction of the United States Environmental Protection Agency (USEPA), which investigation requires that surface water and sediment samples be taken from water bodies flowing into and around the Rolling Knolls Landfill and the Great Swamp; and

WHEREAS, the investigation requires samples to be taken from property owned by the Township of Chatham, specifically Lot 130.01, Block 48.17, including the Black Brook, which

flows thereon, and the Group has requested permission from the Township to enter on said property to do so and has submitted a site access agreement to allow such access; and

WHEREAS, said agreement has been reviewed by counsel and determined to be acceptable as to form and content;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and/or Township Administrator is hereby authorized to execute said site access agreement, copy attached hereto, in order to facilitate the investigation of the Rolling Knolls Landfill.

Committeeman Hartford asked about Resolution 2007-209. Administrator Ciccarone explained that the resolution would not create a pay increase, but would rather convert the zoning officer's pay structure from an annual salary to an hourly rate. The annual salary had been based on a 12-hour workweek, whereas the zoning officer has been working 15-hour weeks, and this resolution will allow for him to receive the proper compensation for the number of hours worked. Administrator Ciccarone also said that the added assessments this year come to \$60 million, as compared with \$35 million last year. Committeeman Hartford also asked about the budget transfers. Administrator Ciccarone explained that energy costs have gone up, and therefore more money is needed in the appropriate accounts. Committeewoman Hagner asked about the Horizon health insurance payment.

Deputy Mayor Brower made a motion to adopt the Consent Agenda. Committeewoman Hagner seconded the motion.

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

Discussion

Ordinance Establishing Criminal History Background Checks

ORDINANCE 2007-21

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING CRIMINAL HISTORY BACKGROUND CHECKS FOR VOLUNTEERS IN JOINT RECREATION PROGRAMS BETWEEN THE TOWNSHIP OF CHATHAM AND THE BOROUGH OF CHATHAM

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Chapter XX of the Township Code is hereby amended to add criminal history background checks for volunteers in the Joint Recreation Programs between the Township of Chatham and the Borough of Chatham as follows:

1. **20-4. Criminal History Background Checks**

Preamble. The Township of Chatham and the Borough of Chatham have established a joint recreation program. The Township and the Borough have determined that it is in the best interest of the residents of the Township and the Borough and the participants in the joint recreation program that all volunteers and employees who wish to participate in the program undergo criminal background checks prior to said participation. It is the intention of the Township and the Borough to adopt identical ordinances to accomplish this goal.

20-4.a. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CO-SPONSORED PROGRAM — Any program, including but not limited to nonprofit youth-serving organizations as defined below, which receives benefits, either directly or indirectly, including to but not limited to the provision of funding and/or the provision of fields, facilities and/or equipment (and including the maintenance of same), from the Township of Chatham and/or the Borough of Chatham.

CRIMINAL HISTORY RECORD BACKGROUND CHECK — A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation Identification Division and the State Bureau of Identification in the Division of State Police.

NON-PROFIT YOUTH-SERVING ORGANIZATIONS — A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New

Jersey Statutes or other law of the state, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

REVIEW COMMITTEE — A four-member committee consisting of the Chatham Township Administrator or designee, the Chatham Borough Administrator or designee, and Chiefs of Police or designees of the Township of Chatham and the Borough of Chatham, respectively. The Committee shall be charged with the review of all appeals of any Township or Borough employee or volunteer whose criminal history background check reveals a disqualifying criminal conviction.

SPONSORED PROGRAM — Recreation programs run directly and jointly by the Township of Chatham and the Borough of Chatham, including oversight, control and/or fiscal contribution.

STATE BUREAU OF IDENTIFICATION — The entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

EMPLOYEES — All full-time, part-time and seasonal employees of the Chatham Township Recreation Department or the Borough of Chatham Recreation Department.

COACH — Any person, whether paid or volunteer, involved with coaching or supervising participants in a nonprofit youth-serving organization, whether the title is coach, manager or another title consistent with these terms.

VOLUNTEER REVIEW OPERATION ("VRO") — The unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this chapter.

§ 20-4.b. Requests for criminal background checks; costs.

1. The Township of Chatham and the Borough of Chatham require that all coaches of nonprofit youth-serving organizations involved in sponsored or cosponsored programs request through the Chatham Township Recreation Department or the Borough of Chatham Recreation Department, as determined by the municipality of residence, that the State Bureau of Identification and the Federal Bureau of Investigation ("FBI") conduct a criminal history record background check on each prospective and current coach of nonprofit youth-serving organizations in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO. No person will be permitted to act as a coach until the results of the background checks have been received and reviewed by the Administrator of the Township of Chatham or the Borough of Chatham, respectively.

2. The Township and the Borough shall conduct a criminal history record background check only upon receipt of the written consent for a check from the prospective or current volunteer coach.

3. Any prospective or current coach of a nonprofit youth-serving organization who refuses to consent to this procedure shall not be permitted to participate in any sponsored or cosponsored programs involving nonprofit youth-serving organizations.

4. The Township and the Borough shall bear the costs associated with conducting criminal history record background checks for prospective or current coaches for sponsored programs, and all other nonprofit youth-serving organizations shall bear the costs for conducting checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO. Said costs shall be paid out of the Joint Recreation Trust Account.

5. The Administrators of the Township and the Borough may set forth policies and procedures which shall not be inconsistent with this chapter.

6. The VRO shall advise the respective Administrator of the eligibility of the prospective or current coach under the law. Any information received by the Recreation Director shall be confidential.

7. Criminal history background checks will be performed for individuals under the age of 18 in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO.

§ 20-4.c. Conditions under which a person is disqualified from service.

1. A person may be disqualified from serving as a coach of a nonprofit youth-serving organization if that person's criminal history record background check reveals a disqualifying record in accordance with the provisions of N.J.S.A. 15A:3A-1 et seq.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute a disqualifying record in accordance with N.J.S.A. 15A:3A-1 et seq. may also constitute grounds for disqualification.

§ 20-4.d. Submission and exchange of background information pertaining to coaches.

1. Prospective or current coaches of nonprofit youth-serving organizations for cosponsored programs shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the respective Recreation Director, who shall coordinate the background check and refer the information to the State Bureau of Investigation for the background check. The respective Recreation Director or designee shall be responsible for obtaining the above information for all prospective and current volunteer coaches, who reside within their respective municipality, for all nonprofit youth-serving organizations, both sponsored and cosponsored programs. Thereafter, the Township and the Borough shall conduct periodic background checks after the date of the initial background check, but not less frequently than every 36 months.

2. The Administrators of the Township and the Borough shall be responsible for the maintenance of all records generated as a result of conducting criminal history record background checks pursuant to this chapter.

§ 20-4.e. Limitations on access and use of criminal history record information.

1. Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the members of the Review Committee, as authorized by federal or state statute, rule or regulations, executive order, administrative code, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this chapter.

2. The Review Committee shall limit its use of criminal history record information solely to the authorized person for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

§ 20-4.f. Determination by Review Committee; concerning coaches; appeal process.

1. The VRO shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO will provide the Administrator of the respective municipality with a letter of recommendation or non-recommendation for each individual for whom the VRO completed a background check.

2. The Administrator shall promptly notify a prospective or current coach who receives a letter of non-recommendation from the VRO. Individuals who receive a letter of non-recommendation from the VRO will not be permitted to participate as a coach. Such individuals may obtain a copy of their criminal history record by contacting the VRO in writing. The individuals shall then have 30 days from the receipt of notification from the Administrator to petition the Review Committee for a review and to cite reasons substantiating the review.

3. Individuals who receive a letter of non-recommendation from the VRO may be permitted to serve as a coach if they affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Review Committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:

(a) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;

(b) The nature and seriousness of the offense;

(c) The circumstance under which the offense occurred;

(d) The date of the offense;

(e) The age of the person when the offense was committed;

(f) Whether the offense was an isolated or repeated incident;

(g) Any social conditions which may have contributed to the offense; and

(h) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.

4. In all instances, the final determination of whether an individual will be permitted to serve as a coach will lie in the sole discretion of the Review Committee, whose vote must be unanimous.

5. The Review Committee shall promptly advise the prospective or current coach whether he or she is qualified to serve as a coach.
 6. When the Administrator receives a letter of non-recommendation from the VRO, the Administrator may file that letter with the Police Departments of Chatham Township and Chatham Borough.
 7. The Chatham Township Police Department shall keep the written notification on file for three years from the date it was issued.
 8. The Administrator may request the applicable Police Department to review its files to determine if there is written notification on file stating whether a criminal history record background check of a current or prospective coach reveals a disqualifying offense or stating that the person has affirmatively demonstrated rehabilitation under this act.
2. This ordinance shall take effect as provided by law.

Administrator Ciccarone explained that he worked with Attorney Woodward and Chatham Borough Administrator Bob Falzarano to draft identical ordinances for each municipality. Administrator Ciccarone also pointed out that the initial process would cost about \$26,000. The Borough Council wants to perform background checks annually, however Administrator Ciccarone does not think that it would be necessary to run checks on such a frequent basis. Lieutenant Petersen said that extensive background checks are performed when police officers are hired, however follow up checks are not performed. Committeeman Hartford agreed that it would not be necessary to conduct follow up checks every year, but suggested that there be a clause indicating a time frame in which background checks would need to be performed. He also suggested that it be spelled out in the ordinance that registration fees would cover the costs of the background checks. Administrator Ciccarone added that there will also be the code-of-conduct, which would permit the recreation departments to disqualify potential coaches for other various reasons, and this ordinance would only cover disqualifications for criminal convictions. Deputy Mayor Brower asked about confidentiality. Attorney Woodward and Administrator Ciccarone indicated that the Township would not be able to release the information to the public. Deputy Mayor Brower also suggested that an independent member of the public should be a member of the Review Committee. Mayor Tubbs said that in terms of maintaining confidentiality, the Review Committee should be kept as small as practicable. Deputy Mayor Brower also said that it should be spelled out in the ordinance that the background checks would be funded through registration fees. Committeewoman Hagner said that she would supply a copy of the ordinance to the Joint Recreation Committee for review.

Deputy Mayor Brower made a motion to introduce Ordinance 2007-21 with the changes discussed. 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.

Public Hearing for Ordinance 2007-21 will be scheduled for November 29, 2007.

Property Maintenance

ORDINANCE 2007-14

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING PORTIONS OF THE BOCA NATIONAL PROPERTY MAINTENANCE CODE

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter XI, Building and Housing, to add Section 11-8, Property Maintenance, as follows:

1. Section 11-8, Property Maintenance, as follows:

11-8. Property Maintenance.

11-8.1 The intent of this ordinance is to protect and preserve the overall public health, safety, welfare and appearance of the Township. It is intended as a complement to the applicable building codes, ordinances and regulations that control construction and improvements to real property in the Township, rather than as a replacement. Except as specifically provided elsewhere in this section, the following sections of the BOCA National Property Maintenance

Code (1996) are hereby made applicable to all private buildings and property within the Township.

11-8.2 **Definitions.** As used in this section, the following definitions shall apply:

Basement: That portion of a building which is partly or completely below grade.

Exterior property: The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation: The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

Let for occupancy or let: To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

Operator: Any *person* who has charge, care or control of a structure or *premises* which is *let* or offered for *occupancy*.

Owner: Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law;

2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but no limited to, abandoned wells, shafts, *basements*, excavations and unsafe fences or structures;

3. Any *premises* that has unsanitary sewerage or *plumbing* facilities;

4. Any *premises* designated as unsafe for human habitation;

5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;

6. Any *premises* from which the *plumbing*, heating or facilities required by this code have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or

8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises*.

Rubbish: Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Tenant: A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

11-8.3 Exterior Property Areas.

11-8.3.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

11-8.3.2 Rat harborage. All structures and *exterior property* shall be kept free from rat *infestation*. Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

11-8.3.3 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

11-8.4 Exterior Structure.

11-8.4.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

11-8.4.2 Exterior Painting. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Excessive peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

11-8.4.3 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

11-8.4.4 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

11-8.4.5 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

11-8.4.6 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

11-8.4.7 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

11-8.4.8 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

11-8.4.9 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

11-8.4.10 Windows and doors shall be maintained in good repair and except in case of emergency (vandalism, weather damage, fire damage) shall not be boarded up. In case of emergency, as noted herein, windows and/or doors may be boarded up, but only for that period of time necessary to secure the structure until same can be reasonably replaced. Individual broken panes of glass in windows and doors shall be replaced with glass within a reasonable time.

11-8.5 Rubbish and Garbage

11-8.5.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage*.

11-8.5.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in approved containers.

11-8.5.3 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply approved covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

11-8.5.4 Disposal of garbage. Every *occupant* of a structure shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an approved *garbage* disposal facility or approved *garbage* containers.

11-8.5.5 Containers. The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, approved, leak proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

11-8.6 Extermination

11-8.6.1 Infestation. All structures shall be kept free from insect and rat *infestation*. All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

11-8.6.2 Owner. The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

11-8.6.3 Single occupant. The *occupant* of a *one-family dwelling* or of a single-tenant nonresidential structure shall be responsible for *extermination* on the *premises*.

11-8.6.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for *extermination* in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupants* shall be responsible for *extermination*.

11-8.6.5 Occupancy. The *occupant* of any structure shall be responsible for the continued rat-free condition of the structure, and if the *occupant* fails to maintain the rat-free condition, the cost of *extermination* shall be the responsibility of the *occupant*.

Exception. Where rat *infestations* are caused by defects in the structure, the *owner* shall be responsible for *extermination*.

2. All other sections of Chapter 11 shall remain unchanged.
3. This ordinance shall take effect as provided by law.

Administrator Ciccarone explained that there is a need to implement a property maintenance code regarding the exteriors of homes. Mayor Tubbs further discussed the fact that this ordinance would implement sections of the BOCA Code. Administrator Ciccarone advised the Township Committee to reconsider the provision that would disallow car collectors from restoring unregistered vehicles on a property unless said vehicle was housed in a garage. Attorney Woodward cited the current zoning laws that restrict the storage, keeping or maintenance of unregistered, unlicensed and unused vehicles on land in the township. Mayor Tubbs suggested that the entire provision of Ordinance 2007-14 regarding motor vehicles be deleted so as not to cause conflict with the zoning regulations. Committeewoman Hagner discussed the provision addressing weeds, and asked if language could be added to account for fields and meadows. Administrator Ciccarone clarified that the purpose of this ordinance would be to address residential front yards. Committeeman Hartford said the Board of Health already addresses some of these issues and felt the Township Committee needs to consider their role in the town. Committeeman Hartford thought the ordinance was overly strict and was concerned with regard to maintenance that some people could not afford a landscaper or a painter. Administrator Ciccarone read Section 3-2.1 in the Code Book that pertains to weeds and recommended that it be modified in the future to change the authority from the Mayor to the code enforcement office. Mayor Tubbs suggested that the weeds section also be removed from this ordinance.

Deputy Mayor Brower made a motion to introduce Ordinance 2007-14 with the changes discussed. Committeeman O'Connor seconded the motion.

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

Public Hearing for Ordinance 2007-14 will be scheduled for November 29, 2007.

Executive Session

RESOLUTION 2007-P-06

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

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

Potential Litigation
Contract Negotiations
Personnel

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 adopt Resolution 2007-P-06 to go into Executive Session for personnel matters at 9:40 P.M. 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.

The Committee returned from Executive Session at 10:55 P.M

Deputy Mayor Brower moved to authorize the conditional employment of Linda Bessler as a dispatcher with the Chatham Township Police Department pending successful completion of a background check, physical and drug test. 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.

Deputy Mayor Brower moved to adjourn at 10:57 PM. Committeeman O'Connor seconded the motion and it carried unanimously.

Joy Wiley
Municipal Clerk