

**TOWNSHIP OF CHATHAM  
COMMITTEE MEETING MINUTES  
NOVEMBER 10, 2005**

Mayor O'Connor called the regular meeting of the Township Committee of the Township of Chatham to order at 7:30 p.m.

**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 7, 2005; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2005; and notice was filed with the Township Clerk on January 7, 2005.

Mayor O'Connor led the flag salute.

A moment of silence in honor of Timothy Walters was observed.

**Oath of Office:**

Kevin Tubbs was sworn in as a Township Committee Member.

**Roll Call**

Answering present to the roll call were Committeewoman Hagner, Committeeman Hartford, Committeeman Tubbs, Deputy Mayor Brower, and Mayor O'Connor.

**Approval of Agenda**

Resolution 2005-236 was added to the Consent Agenda and a discussion item to amend the Jersey Professional Management contract was also added. Deputy Mayor Brower made a motion to approve the agenda as amended. Committeewoman Hagner seconded the motion and it carried unanimously.

**Reports**

- Susan Hoag, representing the Bicentennial Committee, announced that Peapack-Gladstone Bank and the Art League's combined efforts to complete the Bicentennial Calendars have been successful. The Township Committee thanked everyone for their contributions.

Mayor O'Connor offered the following reports:

- Relative to election results, Committeeman Tubbs ran unopposed; Deputy Mayor Brower and Mayor O'Connor defeated Paul Payton for the two Township Committee openings; and the Open Space question passed. A new ordinance will be introduced at the December 1, 2005 meeting.
- The Bicentennial Re-enactment will take place at the High School auditorium on February 16, 2006. Susan Hoag added that the Township Committee could reserve historic costumes at ABC Party Rental.

Committeewoman Hagner offered the following reports:

- The Open Space Committee held an Open Space Walk on three of the Township's properties the previous Saturday and were accompanied by a biologist. The three properties are posted on the website.
- A letter was written to PSE&G from the Open Space Committee to request using the easement for a bike path and PSE&G denied the request. The Committee decided to reach out to other people, however, this has not been done to date. The Committee is open to suggestions on how to pursue the bike path.
- The Joint Recreation Committee has identified subcommittees and a commissioner for each sport. Tony Britt, a Borough representative, is the Chair and Mark Devlin, a Township representative, is the Vice Chair. These positions will alternate annually between the Borough and the Township representatives. Several meetings have been held to deal with the Little League issue with the hope of working out a unified program. No final decision has been made yet.

- The Environmental Commission is still looking for volunteers and will be assisting the Tree Protection Committee in creating a pamphlet now that the Tree Ordinance has passed. A representative of the Morris Land Conservancy will attend the next meeting.

Deputy Mayor Brower provided the following reports:

- The Department of Public Works will be using liquid calcium in the snow removal process this year and they have the equipment ready for the first snowfall.
- Chief Goeckel and Officer Curtis have advised that the deer season has been running smoothly.

Committeeman Hartford offered the following reports:

- No meetings were held for the Board of Health or Colony Pool. Relative to the Board of Health, Madison was asked to provide monthly reports regardless of the meeting schedule.
- The Planning Board has been working on the COAH issue and a public hearing will be held on November 21, 2005 to discuss the Housing Element and Fair Share Plan.

Deputy Mayor Brower commented that handicapped people had to wait in line for the flu vaccine and recommended two lines so the handicapped did not have as long a wait.

- Committeeman Hartford asked Chief Goeckel several questions pertaining to Patriot Media's 911 capabilities relative to the digital phone service. Chief Goeckel advised that 911 needs to go through Verizon, and Committeeman Hartford expressed concern that this service will not work during power outages. Administrator Ciccarone advised that the Township has no jurisdiction over telephone services offered.

Engineer John K. Ruschke offered the following reports:

- NJ DEP is proposing amendments to wastewater management plan regulations. There are currently 200 plans on file with the DEP and only 13 have been approved. The State will be proposing to withdraw all proposed sewer areas within environmental planning areas. Ordinance 99-021 identifies proposed sewer service areas. The proposed amendments will primarily affect the River Road area, which are not sewerred. The Township would need to apply for an amendment to the wastewater management plan if they want to sewer this area. This does not affect areas with existing sewers. Engineer Ruschke recommended waiting until it is finalized and then proceed.
- Drafts of the proposed Colony Tennis Courts were submitted to Township officials for review. Upon receipt of comments, Engineer Ruschke will prepare final plans and then go out to bid in the Spring of 2006.
- The Sunset Lake contract has been signed and work is commencing on the administrative aspect. The work is anticipated to start at the end of December 2005.
- The Johnson Road sewer project has been advertised and the bids will be received December 15, 2005. It is anticipated that work will start early Spring 2006.
- Fairmount Avenue has had some road repairs done due to the trench work; the County will do road repairs for the entire length of Fairmount Avenue in the Spring of 2006. Mayor O'Connor asked Engineer Ruschke to send the project list to the Township Committee.
- Relative to Shunpike Fields, EcolSciences had submitted their findings and concepts to the DEP.
- The Hickory Place improvements are being implemented under a change order under the Southern boulevard Sidewalk Project. Deputy Mayor Brower suggested handicapped parking should be accessible at Shop Rite rather than CVS Pharmacy. Engineer Ruschke advised that the parking was approved by the Planning Board, but will ask if this could be changed.
- Relative to Oak Knoll, Engineer Ruschke advised that the school has been pursuing permits to install piping in the wetlands area; however, they are not being allowed to go into deed-restricted areas. Engineer Ruschke is concerned that the general permit may not be applicable and believes an individual permit may be needed. Engineer Ruschke advised Oak Knoll that the Township is interested in meeting with them and DEP. Art Heyl, a Green Village Road resident, provided historical information and made the suggestion of snaking the pipe with video to determine its usefulness. Mr. Heyl further advised that he would go with the Township to the DEP meeting. After a very lengthy discussion, Mayor O'Connor summarized the focus, which will include a letter to Mark Godfrey with a copy to Senator Kean and Assemblymen Munoz and Bramnick, and the DEP meeting will be scheduled forthwith.

**Hearing of Citizens**

Mayor O’Connor opened the Hearing of Citizens to the public.

1. Peter Hofmann, May Drive resident, was very upset that the sound system was not working. Mr. Hofmann asked if the fields on Shunpike could be developed into playing fields and Mayor O’Connor replied that the report indicates that it is unlikely, however, a meeting has been requested with the DEP to discuss possibilities. Mr. Hofmann asked for the status on Woodland Park and Mayor O’Connor replied that no written response has been received from the DEP.
2. Joseph Kelly, Mountain Avenue resident, stated that the landscapers are blowing the leaves into the roadway as the cars pass and asked if anything could be done. Committeeman Tubbs advised that the ordinance passed last month regulates this activity and asked if there was anyway of communicating the ordinance to the public. Administrator Ciccarone stated that the ordinance does not specifically prohibit this activity providing the leaves are picked up immediately.

Mayor O’Connor closed the hearing of citizens.

**Public Hearing/Final Adoption of Ordinance**

**ORDINANCE 2005-024**

**BOND ORDINANCE OF THE TOWNSHIP OF CHATHAM,  
IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING  
FOR THE CANCELLATION OF \$639,494 UNFUNDED  
AUTHORIZATION OF THE TOWNSHIP.**

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

Section One. It is hereby determined that the following, unfunded authorization available pursuant to the ordinance described below by ordinance number, purpose of improvement and amount of unfunded authorization to be cancelled is not needed for the purposes to which it was originally provided and is hereby cancelled.

<b>Ordinance Number</b>	<b>Description of Improvement</b>	<b>Amount of Authorization to be cancelled</b>
2001-19 - finally adopted December 6, 2001	Renovation of library	\$639,494

Section Two. The portion of the down payment associated with this unfunded authorization of \$639,494 -- \$31,974 – shall herewith be transferred to the Capital Improvement Fund.

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

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

Mayor O’Connor opened the public hearing; however, hearing no one, the public hearing was closed.

Committeeman Tubbs made a motion to adopt Ordinance 2005-024. Deputy Mayor Brower seconded the motion.

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

**ORDINANCE 2005-025**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE OF THE TOWNSHIP AS RESPECTS OUTDOOR LIGHTING**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Section 30-96.22, Outdoor Lighting, of the Land Development Regulations is hereby amended to read as follows:

All outdoor lighting in connection with any use shall be shielded so that the direct source of the illumination is not visible from any street or any adjoining property, provided that this provision shall not apply to incandescent or fluorescent, decorative outdoor lighting fixtures of 160 watts or less in residential districts. Floodlights and spotlights in excess of 100 watts per bulb shall be shielded.

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

Mayor O'Connor opened the public hearing; however, hearing no one, the public hearing was closed. Attorney Woodward advised that the Board of Adjustment Chairman, Larry Dalziel, had suggested amending the ordinance to read "... 100 watts *per bulb*" in the second to last line. The Township Committee discussed the recommendation.

Committeeman Tubbs made a motion to amend Ordinance 2005-025. Deputy Mayor Brower seconded the motion.

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

Deputy Mayor Brower made a motion to adopt Ordinance 2005-025 as amended. Committeewoman Hagner seconded the motion.

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

**ORDINANCE 2005-026**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE**

**WHEREAS**, the Uniform Fire Safety Act (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

**WHEREAS**, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards that have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1 et seq.).

**WHEREAS**, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

**WHEREAS**, it is in the best interest of the Township of Chatham to have the Uniform Fire Code enforced locally;

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

1. The indicated portion of Chapter XII, Fire Prevention, is amended to read as follows:

**12-1 STATE UNIFORM FIRE SAFETY ACT ENFORCING AGENCY**

12-1.1 LOCAL ENFORCEMENT.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Township of Chatham.

12-1.2 AGENCY DESIGNATION.

The local enforcing agency shall be the Township of Chatham - Fire Prevention Bureau which is hereby created therein. The Fire Prevention Bureau shall hereinafter be known as the local enforcing agency.

12-1.3 DUTIES

- a. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Township of Chatham other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.
- b. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

12-1.4 ORGANIZATION.

- a. The Fire Prevention Bureau established by Section 12-1.2 shall consist of the Fire Official/Marshal, who shall be the chief administrator of the Bureau, and such Fire inspectors as may be deemed necessary by the Township Committee.
- b. The Fire Prevention Bureau shall have at least one paid Fire Official and/or Inspector.

12-1.5 APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REPORTS, REMOVAL.

- a. Appointment and Qualifications of the Fire Official/Marshal.

The Fire Official/Marshall shall be certified by the State of New Jersey and appointed by the Township Committee.

- b. Appointment and Qualifications of Inspectors and Other Employees.

The governing body may, upon recommendation of the Fire Official/Marshal or otherwise, appoint inspectors and other employees of the enforcing agency. All life hazard use inspectors shall be certified by the State of New Jersey.

- c. Appointment of Legal Counsel.

The Township Attorney shall serve as legal counsel to assist the Fire Prevention Bureau in enforcing the Uniform Fire Code.

- d. Term of Office.

The Fire Official/Marshal shall serve for a term of one year. Any vacancy shall be filled for the un-expired term.

- e. Reports by the Fire Official/Marshal.

The Fire Official/Marshal shall report monthly in writing to the Township Mayor, Administrator and the Chiefs of the Green Village Fire Department and Chatham Township Fire Department as to all inspections made and all income received.

- f. Removal from Office.

The Fire Official/Marshal shall be subject to removal by the governing body for just cause. Before removal from office, such person shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

12-1.6 LIFE HAZARD USES.

The Fire Prevention Bureau established by Section 112-1.2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

12-1.7 NON-LIFE HAZARD USES.

- a. In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected annually and billed per the following schedule:

Assembly

A-1	Eating establishment under 50	\$35
A-2	Take-out food service (no seating)	\$35
A-3	Church or synagogue	exempt

Business/Professional

B-1	Professional use 4,999 sq. ft. or less	\$35
B-2	5,000 sq. ft. up to 9,999	\$70
B-3	10,000 sq. ft. or more	\$150

Retail (mercantile)

M-1	4,999 sq. ft. per floor or less	\$35
M-2	5,000 sq. ft. up to 9,999	\$70
M-3	10,000 sq. ft. up to 11,999	\$100

12,000 sq. ft. or greater is listed as a Life Hazard Use.

Manufacturing (factory)

F-1	4,999 sq. ft. per floor or less	\$100
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5,000 sq. ft. or greater is listed as a Life Hazard Use.

Storage S-1 (moderate hazard S-1, low hazard S-2)

S-1	4,999 sq. ft. or less	\$100
S-2	4,999 sq. ft. or less	\$50

5,000 sq. ft. or greater is listed as a Life Hazard Use.

F Residential Multi-Family Dwellings of 3 or more - Common Areas

R-1	Per 10 dwelling units	\$30
R-2	Per 10 dwelling units	\$30
R-3	Per 10 dwelling units	\$30

R-1 includes hotels/motels/shelters where occupants are transient in nature.

R-2 includes multi-family dwellings having more than two units, and includes dormitories, rooming houses, apartment and condominiums with common hallways.

R-3 includes single-family attached dwellings constructed in accordance with the Uniform Construction Code requirements for multiple single-family dwellings.

- b. R-2 & R-3 condominium dwelling units shall be inspected and charged a fee only upon sale or change of tenant for smoke detector and carbon monoxide alarm compliance. Township Ordinance Section 11-4.
- c. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.

- d. Uses registering with the State as life hazard uses are not required to be registered under this section.
- e. In the discretion of the fire Official/Marshal, vacant buildings will be charged and inspected according to the previous use of the building.

12-1.8 PERMITS AND CERTIFICATE OF FIRE CODE STATUS.

- a. The application fees for the fire safety permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

Type 1	\$42
Type 2	\$166
Type 3	\$331
Type 4	\$497

- b. The cost for the issuance of a Certificate of Fire Code Status to a third party shall be \$35.

12-1.9 RESPONSIBILITY FOR COLLECTION OF FEES.

- a. The Department of Community Affairs shall collect all fees for the registration of Life Hazard Uses in the Township as required by N.J.A.C. 5:71-2.6.
- b. All revenues generated pursuant to this ordinance, which are collected, shall be appropriated by the Township of Chatham to the Fire Prevention Bureau for the purpose of enforcing the Uniform Fire Code, operating expenses and for advancing fire prevention interests.
- c. The Fire Official/Marshal shall be responsible for the collection of all annual fees for the registration of non-life hazard uses, for the issuance of fire safety permits, for the processing of applications and for the issuance of certifications of Fire Code Status. Such fees shall be delivered to the Township Treasurer within forty-eight (48) hours of collection.

12-1.10 TECHNICAL AMENDMENTS.

“Reserved”

12-1.11 BOARD OF APPEALS.

Any person aggrieved by any action of the Fire Prevention Bureau shall have the right to appeal to the Construction Board of Appeals of the County of Morris.

12-1.12 ENFORCEMENT, VIOLATIONS. AND PENALTIES.

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

- 2. All other provisions of Section 12-1, STATE UNIFORM FIRE SAFETY ACT ENFORCING AGENCY, of the Township Code are hereby repealed.
- 3. This ordinance shall take effect as provided by law.

Mayor O’Connor opened the public hearing; however, hearing no one, the public hearing was closed.

Deputy Mayor Brower made a motion to adopt Ordinance 2005-026. Committeewoman Hagner seconded the motion.

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

**ORDINANCE 2005-027**

**BOND ORDINANCE AMENDING BOND ORDINANCE #2005-06,  
FINALLY ADOPTED MAY 12, 2005, PROVIDING FOR VARIOUS  
CAPITAL PROJECTS OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF  
MORRIS, NEW JERSEY, IN ORDER TO APPROPRIATE THE AGGREGATE  
AMOUNT OF \$1,620,000 THEREFOR, AND TO AUTHORIZE THE ISSUANCE OF  
\$1,539,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF  
THE COSTS THEREOF.**

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

Section One. Bond Ordinance #2005-06 of the Township of Chatham, finally adopted May 12, 2005, is hereby amended to read as follows:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,620,000, including the aggregate sum of \$81,000 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,539,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

	Improvement or Purpose	Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW equipment	\$175,000	\$166,250	15
2.	Purchase of Police equipment	\$510,000	\$484,500	14.22
3.	Road improvements	\$50,000	\$47,500	15
4.	Recreation improvements	\$250,000	\$237,500	15
5.	Building improvements	\$70,000	\$66,500	15
6.	Fire equipment	\$500,000	\$475,000	5
7.	Underground storage tank remediation	\$65,000	\$61,750	15
	<b>TOTAL</b>	<b>\$1,620,000</b>	<b>\$1,539,000</b>	

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

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

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 11.6679 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of

the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$1,539,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

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

Section Three. This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor O'Connor opened the public hearing.

1. Peter Hofmann, May Drive resident, asked for information on specific improvements and Administrator Ciccarone explained road, recreation and building improvements.

Mayor O'Connor closed the public hearing.

Deputy Mayor Brower made a motion to adopt Ordinance 2005-027. Committeewoman Hagner seconded the motion.

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

### **Consent Agenda**

Committeeman Hartford questioned Resolution 2005-224 Payment of Bills, specifically payment made to Denville Line Painting Company. Administrator Ciccarone advised that this company is used by the Department of Public Works to paint lines in parking lots. Committeeman Hartford questioned the accuracy of a statement reflected in the minutes and a brief discussion pursued on Glenmere drainage. Administrator Ciccarone advised that Mr. Farmakis submitted a claim to the Township's insurance carrier and has since obtained flood insurance. Administrator Ciccarone further emphasized that the minutes should only reflect decisions and actions taken by the Township Committee and not deliberations as those discussions have no legal bearing.

**RESOLUTION 2005-224**

**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 \$540,390.15 and the prior month's payroll of \$381,720.04 Current Fund, \$40,459.10 Sewer No. 1, \$7,020.00 Sewer No. 2, and \$4,615.60 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to School District of the Chathams for the month of November 2005, in the amount of \$1,825,516.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the month of November 2005, in the amount of \$1,754,262.61 be paid.

**RESOLUTION 2005-225**

**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>
Cerdel Construction Co. 120 Park Rd. Parsippany, NJ 07054	7200011084	\$266.66
Property: 19 Williams Rd.		
New York SMSA c/o Czura Stilwill, LLC Trust Account Attorneys at Law 29 Race Street Frenchtown, NJ 08825	7200038858	\$10.00
Harold & Shirley Honickel 472 Green Village Road Green Village, NJ 07935	7200011061	\$835.07

**RESOLUTION 2005-226**

**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 July 21, August 11, September 8, September 22 and October 13, 2005.

**RESOLUTION 2005-227**

**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 August 11, September 8, September 22 and October 13, 2005.

**RESOLUTION 2005-228**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING A THREE YEAR CONTRACT WITH R&D TRUCKING OF WEST MILFORD, NEW JERSEY FOR THE TRANSPORTATION OF WET SEWAGE SLUDGE**

**WHEREAS**, the Township advertised for bids for the hauling of wet sludge on October 20, 2005 with the bid opening scheduled for November 7, 2005 at 10:00 am; and

**WHEREAS**, the bid specifications requested bids for a one year period commencing December 1, 2005 through November 30, 2005, with one (1) year options for each of the two succeeding years; and

**WHEREAS**, at said date and time three bids were received: R & D Trucking, \$.0385 per gallon for the initial year, with \$.04 per gallon for the second year and \$.043 for the third year; Applied Water Management, Inc., \$.0394 per gallon for the initial year, with \$.0414 per gallon for the second year and \$.044 for the third year; and Russell Reid Company, \$.0497 per gallon for the initial year, with \$.0517 for the second year and \$.0547 for the third year; and

**WHEREAS**, the lowest bid was submitted by R&D Trucking and meets all required conditions and contract specifications; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this contract in the operating 2005 budget and will be available subject to the adoption of the 2006, 2007 and 2008 budgets;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with R&D Trucking of West Milford, New Jersey for the removal of wet sewage sludge at a cost of \$ .0385 per gallon for the period December 1, 2005 through November 30, 2006, \$ .04 per gallon for the period December 1, 2006 through November 30, 2007, and \$.043 per gallon for the period December 1, 2007 through November 30, 2008.

**RESOLUTION 2005-229**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 112 CANDACE LANE**

**WHEREAS**, the Township Engineer has certified that all applications requirements for 112 Candace Lane, Block 39, Lot 30 including the payment of the administrative review fee have been met and that sewer capacity is available.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 112 Candace Lane, Block 39, Lot 30.

**RESOLUTION 2005-230**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 51 ORMONT ROAD**

**WHEREAS**, the Township Engineer has certified that all applications requirements for 51 Ormont Road, Block 32, Lot 31 including the payment of the administrative review fee have been met and that sewer capacity is available.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 51 Ormont Road, Block 32, Lot 31.

**RESOLUTION 2005-231**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, FOR ADOPTING CHANGES REQUIRED BY THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 TO AN EXISTING DEFERRED COMPENSATION PLAN**

**WHEREAS**, the Township of Chatham (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective November 10, 2005 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001 amended Section 457 of the Internal Revenue Code (the "Code"), and**

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code brought about by the *Economic Growth and Tax Relief Reconciliation Act of 2001*; and

**WHEREAS**, the Employer desires to adopt a restated Plan that conforms with the changes in the Code resulting from the Economic Growth and Tax Relief Reconciliation Act of 2001; and

**WHEREAS**, such revised Plan shall supercede the previously adopted Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Employer hereby adopts the attached revised Plan (Plan Identifier 09-GWL-PD-E041502).

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION 2005- 232**

**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 2005 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
Engineering OE	\$30,000.00	
Recreation OE	\$ 5,000.00	

Gasoline	\$20,000.00	
Telephones	\$12,000.00	
Water	\$ 5,000.00	
Colony Poll OE	\$ 2,000.00	
Colony Pool S&W		\$ 30,000.00
Police Dispatch S&W		\$ 27,000.00
General Admin S&W		\$17,000.00
	\$74,000.00	\$ 74,000.00
WPC II		
	To	From
OE	\$ 10,000.00	
Capital Outlay		\$ 10,000.00
	\$ 10,000.00	\$ 10,000.00

**RESOLUTION 2005-233**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR THURSDAY MORNING CLUB**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that on-premise raffles and off-premise raffles to be conducted by the Thursday Morning Club, on April 6, 2006, at the Fairmount County Club are hereby approved.

**RESOLUTION 2005-234**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PERMIT FEE**

**WHEREAS**, the Township requires a fee for the issuance of a construction permit; and

**WHEREAS**, the construction permit was issued in error;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the permit fee be refunded to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Crown Oil Corp. 22 River Road Chatham, NJ 07928	\$35.00

**RESOLUTION 2005-235**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF JOHN E. ZIMMERMAN**

**WHEREAS**, John E. Zimmerman has appealed his assessment for the year 2005 in the Tax Court of New Jersey, Docket No. 004900-2005; and

**WHEREAS**, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of this appeal;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeal be settled and the Municipal Attorney shall be authorized to execute a Stipulation of Settlement in the following amounts:

**BLOCK: 86**  
**LOT: 12**  
**STREET ADDRESS: 190 Lafayette Avenue**  
**YEAR: 2005**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested 2002 Tax Court Judgment</b>
<b>Land:</b>	\$ 475,800.00	\$445,300.00	\$410,300.00
<b>Impvts:</b>	<u>\$164,700.00</u>	<u>\$164,600.00</u>	<u>\$164,700.00</u>
<b>Total:</b>	\$640,500.00	\$610,000.00	\$575,000.00

Interest due on any refund will be waived by Mr. Zimmerman, provided he receives a credit for the total refund due against the next quarterly tax bill due following the date of entry of Judgment by the Tax Court.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

#### **RESOLUTION 2005-236**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE HIRING OF BENJAMIN ROBERT KEENAN AS A POLICE DISPATCHER**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Benjamin Robert Keenan is hereby appointed civilian dispatcher effective November 15, 2005 at an annual pro-rated salary of \$ 26,250.00. In accordance with the Salary Ordinance, upon successful completion of the probationary period, the salary will be increased to \$28,000.

Deputy Mayor Brower made a motion to approve the Consent Agenda, Resolution 2005-224 through Resolution 2005-236. Committeeman Tubbs seconded the motion.

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

#### **Discussion**

1. Jersey Professional Management's Amendment to Contract: Mayor O'Connor explained Jersey Professional Management's request for additional funds is due to extensive meetings and telephone calls. The Borough will be amending their Resolution at their next meeting, and each town will pay \$1,500; the Township's share will be paid from the Recreation Trust Fund. Administrator Ciccarone advised that the \$100,000 grant application is pending. The Township Committee entertained a brief discussion on recreation activities.

#### **RESOLUTION 2005-237**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND RESOLUTION 2005-170 WHICH RESOLUTION AWARDED A CONTRACT TO JERSEY PROFESSIONAL MANAGEMENT TO PROVIDE**

**RECREATION SHARED SERVICES, PROJECT COORDINATION AND  
MANAGEMENT CONSULTING SERVICES**

**WHEREAS**, the Township Committee of the Township of Chatham by Resolution 2005-170 approved the award of a contract to Jersey Professional Management (JPM) to provide recreation shared services, project coordination and management consulting services; and

**WHEREAS**, JPM, by letter dated November 9, 2005, requests an additional \$3,000 to be added to the original "not-to-exceed amount" of \$25,000, thereby revising the not-to-exceed amount to \$28,000; and

**WHEREAS**, this additional amount of \$3,000 has been necessitated by the additional and unforeseen time expended by JPM in providing its recreation management expertise to the unification of the Chathams baseball programs which will lead to a single baseball program to serve all of Chathams' youth; and

**WHEREAS**, the Township of Chatham and the Borough of Chatham will pay one-half of the cost of the aforesaid additional amount or \$1,500.00 each; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are available; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the Township of Chatham to award this bid as an extraordinary unspecifiable service (EUS) as defined by N.J.S.A. 40A:11-2(7) and which is permitted by N.J.S.A. 40A:11-5(1)(a)(ii) to be contracted for without public bidding; and

**WHEREAS**, JPM represents that the company is considered to be an EUS by the Department of Community Affairs, Division of Local Government Services; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it approves the Amendment to the Contract with Jersey Professional Management and that the Mayor and Clerk are hereby authorized and directed to execute an Amendment to the Contract for the aforesaid additional amount of \$3,000, or in the total amount not-to-exceed \$28,000.00; and it is further

**RESOLVED**, by the Township Committee of the Township of Chatham that the Township of Chatham shall pay the additional sum of One Thousand Five Hundred (\$1,500) Dollars, which is one-half of the additional amount of \$3,000.00; and it is further

**RESOLVED**, by the Township Committee of the Township of Chatham that notice of this Resolution be published once in the official newspaper of the Township as required by N.J.S.A. 40A:11-5(1)(a); and it is further

**RESOLVED**, that Resolution 2005-170 is ratified in all other respects; and it is further

**RESOLVED**, that this Resolution shall take effect upon adoption of a reciprocal resolution by the Borough of Chatham.

Committeewoman Hagner made a motion to pass Resolution 2005-237 - Amending Jersey Professional Management's Contract not to exceed \$28,000 and is contingent upon Chatham Borough passing similar resolution. Committeeman Tubbs seconded the motion.

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

**Hearing of Citizens**

Mayor O'Connor opened the Hearing of Citizens, however, there were no public comments and Mayor O'Connor closed the Hearing of Citizens.

**RESOLUTION 2005-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 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.

Deputy Mayor Brower moved to pass Resolution 2005-P-13 at 9:35 p.m. Committeewoman Hagner seconded the motion.

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

The Township Committee returned from Executive Session at 9:55 p.m.

**RESOLUTION 2005-238**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING BOARD MEMBER**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Tree Protection Committee:

1. Full member                      June Tullman                      (2005)

Committeewoman Hagner moved to pass Resolution 2005-238. Committeeman Tubbs seconded the motion.

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

Deputy Mayor Brower moved to adjourn at 10:00 p.m. Committeeman Tubbs seconded the motion and it carried unanimously.

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Joy M. Wiley  
Municipal Clerk