

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
NOVEMBER 29, 2007**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:38 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 advised Resolution 2007-219 would be pulled from the Consent Agenda and voted on earlier in the meeting. Proposed Ordinance 2007-22 would be added as a discussion item. Deputy Mayor Brower moved to adopt the agenda as amended. Committeeman O'Connor seconded the motion, and it carried unanimously.

Special Recognition/Awards:

Proclamation

Mayor Tubbs read the attached proclamation declaring the Township's support for the *Over the Limit Under Arrest 2007 Year End Crackdown* from December 7, 2007 through January 2, 2008.

Resolution

Mayor Tubbs read Resolution 2007-214 honoring Joe Smith for his years of service to Chatham Township. The Mayor presented Joe Smith with a framed resolution and thanked him for all he had done for Chatham Township.

RESOLUTION 2007-214

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM HONORING JOE SMITH FOR HIS YEARS OF FAITHFUL AND
DEDICATED SERVICE TO THE RESIDENTS OF CHATHAM TOWNSHIP**

WHEREAS, Joe Smith has announced his plans to retire after thirty-three years of loyal and dedicated service to the Township of Chatham; and

WHEREAS, Joe began his employment with the Township on April 8, 1974 and began a steady rise through various positions, and

WHEREAS, Joe was promoted to Building Maintenance Manager in 1978, and

WHEREAS, Joe was promoted to Foreman in 1981 and then General Foreman in 1994, and

WHEREAS, Joe was then promoted to Acting Manager on September 1, 1996 and was appointed to the position of Public Works Director on May 1996, and

WHEREAS, Joe Smith has done an outstanding job leading the Public Works Department for the past 11 years and has made many contributions to the quality of life in Chatham Township, and

WHEREAS, Joe Smith served his country proudly for four years during the Viet Nam War as a member of the United States Navy, and

WHEREAS, Joe realized it was time to go when Navy finally beat Notre Dame on the football field again.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that we hereby recognize, and extend our deep appreciation to Joe Smith upon the occasion of his retirement, for his many contributions to our community, and extend our best wishes for success and happiness in the future to Joe, his wife Georgie, his son Adam, who is following in his father's footsteps as a member of the U.S Navy, his daughter Amy and his 5 grand children, all of whom Joe adores.

Deputy Mayor Brower moved to adopt Resolution 2007-214. Committeewoman Hagner seconded the motion.

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

Oath of Office

Joseph Barilla was sworn in as the new Director of the Department of Public Works.

RESOLUTION 2007-219

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING JOHN G. PACELLI ASSISTANT PUBLIC WORKS MANAGER AND ESTABLISHING SALARY THEREFOR

BE IT RESOLVED by the Township Committee of the Township of Chatham that John G. Pacelli be, hereby, appointed Assistant Manager of the Department of Public Works at an annual salary of \$84,000 effective December 1, 2007.

Deputy Mayor Brower moved to adopt Resolution 2007-219. Committeewoman Hagner seconded the motion.

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

Oath of Office

John Pacelli was sworn in as the new Assistant Manager of the Department of Public Works.

Reports

Committeeman Hartford reported the Board of Health had introduced an ordinance that would bring the penalty section of the Public Health Nuisance Code up to date. Deputy Mayor Brower provided an update on deer killed and advised 25 deer had been taken by bow hunters and 85 deer killed in the Great Swamp. Committeewoman Hagner advised there had been a meeting with Comcast, who have taken over Patriot Media, and that they were complimentary about the government access channel implementation plan the Township submitted. The next step will be a letter of understanding. The check for \$38,000 should be received in the next few weeks. Committeewoman Hagner also said the Recreation Committee had a meeting and they endorsed the proposed ordinance requiring criminal history background checks for volunteers in the recreation program. They requested that the Township help in getting the word out to the volunteers. Committeewoman Hagner also advised she had attended a SEEMLESS meeting that provided an update on the Exxon property and that Madison is interested in purchasing 53 acres of that property. The other topic of discussion at the meeting was commuter traffic. Mayor Plambeck has put together statistics and a copy will be provided for the Township Committee once it is received. Committeeman Hartford asked whether the Code of Conduct could be discussed later in the meeting. Deputy Mayor Brower inquired about signage along the bike path in Green Village and if the County could be asked to create more parking on the property they own next to the Green Village Post Office. Committeewoman Hagner responded there would be more signage along the bike path and that the Open Space Committee did not intend to put in a bike lane. Committeewoman Hagner also advised they have already reached out to the County and the County in the process of trying to do something with the property next to the post office. Administrator Ciccarone said he had met with the people involved with the solar project. Based

on the inventory done by the Environmental Commission, there would be minor savings here at the Municipal Building and more significant savings at the Tanglewood Plant. Attorney Woodward needs to review the agreement and the Township needs to discuss the solar project with the Board of Public Utilities. Mayor Tubbs added the solar company will continue to own the equipment and we would buy power from that company. Engineer John Ruschke reported we have not yet heard back from the NJDEP regarding Shunpike Field, but that he had met with the NJDEP this week about the TDS compliance issue and capital improvements at the sewer treatment plants. Engineer Ruschke will continue to provide the progress on this. Committeeman Hartford questioned the status of the building permits for the utility company at Sunset Drive. Engineer Ruschke replied a revised plan was submitted, but the building permit has not yet been issued. Since the disturbance exceeded 5000 square feet, groundwater mitigation and site and lot grading plans need to be addressed. With regard to Committeeman Hartford's concern about the herbicides used at this site, Administrator Ciccarone explained there was no indication that private property was damaged, nor that anyone was endangered or harmed. Chief Goeckel advised the Public Safety Committee had met and that there are some changes dealing with the accreditation process. In order to be certified by the State, 110 standards must be met. This would be a two-year process and the cost of the application fee is \$4000. Chief Goeckel asked the Committee for their support. Committeeman O'Connor said Chatham Borough had just finished the accreditation process and thought it would be good time for the Township to try this process. Mayor Tubbs agreed it would be a good opportunity to have an objective look at our procedures. Deputy Mayor Brower asked if any procedures could be taken away. Administrator Ciccarone thought any procedures not in conflict with the process could be kept. Deputy Mayor Brower inquired about staffing for this. The Chief said benchmarks would be set weekly and an evaluation would need to be done to determine whether a temporary staff is needed. Committeeman Hartford asked about the difference between this accreditation process and what Chatham Borough did. Chief Goeckel advised the Borough did national accreditation and the Township would be doing a state accreditation. The Township Committee agreed to move forward with this.

Hearing of Citizens/Petitions

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

Public Hearing/Final Adoption of Ordinances

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 not 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.

Mayor Tubbs opened the Public Hearing on Ordinance 2007-14.

1. Harold McElraft, Meyersville Road resident, said that the ordinance appears to address health and appearance. He is concerned that the language in the ordinance might be too general, and would be either unenforceable or so subjective that compliance would be difficult. Attorney Woodward explained that the ordinance is based on BOCA Code, and certain requirements would be difficult to quantify. He also said that property owners would be contacted and given a time frame within which to bring the property into compliance, and only after that time period has elapsed would a summons be issued if the problem has not been resolved. Committeeman Hartford said that the Board of Health already addresses the health aspects of this ordinance. Deputy Mayor Brower said that there should be a mechanism for the Township to approach people and have them keep their properties maintained. Mr. McElraft reiterated that he is concerned that the standards are not specific enough.
2. Susie Schwinghammer, Ridge Road resident, agreed that the language is too ambiguous, and is afraid that it would create a situation where neighbors would turn against each other. Attorney Woodward explained that the primary focus of this ordinance is sanitary conditions. Administrator Ciccarone said that the Township has no intention of being heavy-handed in circumstances where a resident does not have the resources to maintain their property. Furthermore, this ordinance would help the Township to help such residents in seeking the assistance they may need.
3. Peter Hofmann, May Drive resident, said that he agrees with this ordinance, but questioned the need for the section regarding external painting.
4. Andy Stillinger, Noe Avenue resident, asked if the provisions in this ordinance were taken verbatim from the BOCA Code. Attorney Woodward said that if the wording is not exact, then it is very similar. Mr. Stillinger asked who would enforce this ordinance, and Mayor Tubbs replied that it would be the Construction Code Official. Mr. Stillinger said that he is concerned that this ordinance could be used as a tool for harassment.
5. Mary Olmstead, Park View Road resident, said that there is an abandoned house in her neighborhood that is causing a lot of concern to both her and several of her neighbors. Mayor Brower pointed out that this situation presents a safety hazard to children living in that neighborhood. Deputy Mayor Brower said that Mrs. Olmstead's concerns demonstrate why an ordinance like this could be helpful.

Seeing no further comment, Mayor Tubbs closed the Public Hearing.

Committeeman Hartford said that this ordinance did not receive enough press attention, and he agreed with all the comments made by members of the public. Committeeman Hartford also characterized this ordinance as Social Darwinism, and he is concerned that people will not be able to afford to maintain their homes. Committeewoman Hagner said that this ordinance is common sense, and the expectation is that people would maintain their homes to a decent standard. Mayor Tubbs said that the ordinance may not be perfect, but it would help the Township better serve the public interest.

Deputy Mayor Brower moved to adopt Ordinance 2007-14. 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.

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.

Mayor Tubbs opened the Public Hearing on Ordinance 2007-21.
Seeing none, Mayor Tubbs closed the Public Hearing.

Deputy Mayor Brower asked for clarification as to whether or not parochial schools are considered non-public schools. Attorney Woodward said parochial schools are non-public schools. Administrator Ciccarone pointed out that the ordinance introduced by the Borough would require the rechecks be performed within 24 months, whereas this draft would require that rechecks be performed in period not to exceed 36 months. Committeeman Hartford suggested that the Township's ordinance should be modified so as to be in agreement with the Borough's ordinance. Administrator Ciccarone indicated that the wording of the Township's ordinance would allow the Township to conduct rechecks every 24 months, per the wishes of Chatham Borough. However, he also explained that in all likelihood it would not be necessary to perform checks that frequently, and suggested that even 36 months may prove to be too frequent. Deputy Mayor Brower said that the ordinances should be the same; regardless as to whether the standard was 24 or 36 months. Committeewoman Hagner pointed out that the ordinance as written offers more flexibility. Mayor Tubbs also liked the flexibility in the ordinance and said the Borough has the option to change their ordinance. Deputy Mayor Brower suggested adopting the ordinance as introduced and asked that Administrator Ciccarone contact the Borough Administrator to explain the reasons why it was left at 36 months.

Deputy Mayor Brower moved to adopt Ordinance 2007-21. 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.

Consent Agenda

RESOLUTION 2007-216

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 – October
Municipal Court – October
Construction Official – October
Animal Control – October
Public Works – October
Police Department- September, October
Fire Official – September
Dog Licensing Official – Fourth Quarter
Chatham Emergency Squad- October

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

Board of Health – July, October
Environmental Commission – October
Open Space – October

RESOLUTION 2007-217

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 November 8, 2007.

RESOLUTION 2007-218

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 November 8, 2007.

RESOLUTION 2007-220

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE HIRING OF LINDA BESSLER AS A POLICE DISPATCHER

BE IT RESOLVED by the Township Committee of the Township of Chatham that Linda Bessler is hereby appointed civilian dispatcher effective December 1, 2007 at an annual pro-rated salary of \$26,000. In accordance with the Salary Ordinance, upon successful completion of the probationary period, the salary will be increased to \$28,000.

RESOLUTION 2007-221

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES**

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

2006 REFUNDS			
<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
6	6	Kostecka, Florence M 29 Ridge Road Chatham, New Jersey 07928	\$250.00
15	21	Slaughter, Robert S & Askwyth, D 100 Ormont Road Chatham, New Jersey 07928	\$15.79
17	79	Merrell, Keith & Sally G 656 Fairmount Avenue Chatham, New Jersey 07928	\$114.58
27	28	Strehle, Diane T 28 Susan Drive Chatham, New Jersey 07928	\$257.15
34	29	Foley, Trustee, Anjo Trust, Robert 89 Susan Drive Chatham, New Jersey 07928	\$16.87
35	2	Savage, Story 20 Dogwood Drive Chatham, New Jersey 07928	\$309.07
35	5.05	Thoennessen, Richard & Pamela 155 Meyersville Road Chatham, New Jersey 07928	\$145.53
48	32	Swamp Road Trust% Winkelried 17 Washington Avenue Short Hills, New Jersey 07078 Property: 150 Swamp Road	\$20.47
48.01	5	Farmakis, John L, Jr & Judith 37 Glenmere Drive Chatham, New Jersey 07928	\$20.00
48.03	15	Busam, Klaus & Almedia, Vinita 11 Willow Way Chatham, New Jersey 07928	\$16.25
48.04	6	Maiorano, Peter & Susan 12 Thornley Drive Chatham, New Jersey 07928	\$43.30

48.05	3	Woerner, Thomas & Debra 42 Glenmere Drive Chatham, New Jersey 07928	\$24.73
48.14	113.12	Moore, Robert 6 Jay Road Chatham, New Jersey 07928	\$36.00
48.17	129.05	Yeager, Harvey & Mary Ellen 4 Melrose Lane Green Village, New Jersey 07935	\$250.00
53	10	Mason, Cornelia 4 Cypress Road Chatham, New Jersey 07928	\$1,609.92
60	9	Lynch, Kevin & Colleen 5 Woodlawn Drive Chatham, New Jersey 07928	\$10.92
62	16	Failla, Robert & Kerry 71 Huron Drive Chatham, New Jersey 07928	\$47.56
62	88.05	Zammataro, Frank & Deborah 7 Kincaid Lane Chatham, New Jersey 07928	\$15.30
62	103	Thiel, John & Karen 61 Buxton Road Chatham, New Jersey 07928	\$1,568.62
62.06	7	Stuart, Robin & Jennifer 73 Van Houton Avenue Chatham, New Jersey 07928	\$40.48
62.12	1	Werder, Craig & Allison 609 Fairmount Avenue Chatham, New Jersey 07928	\$2,650.23
64.02	1.13	Vezzosi, Samuel 1 H Terrace Drive Chatham, New Jersey 07928	\$250.00
64.04	2.09	Procopio, Richard 116 Terrace Drive Chatham, New Jersey 07928	\$1,272.15
64.04	11.12	Speni, Michael E 230 Riveredge Drive Chatham, New Jersey 07928	\$353.22
64.04	28.06	Davine, Thomas & Patricia 311 Riderege Drive Chatham, New Jersey 07928	\$250.00
64.05	7.06	Fitzmartin, Ronald 16A Heritage Drive Chatham, New Jersey 07928	\$887.04

64.05	9.02	Raphel, Gregory & Susan 11C Heritage Drive Chatham, New Jersey 07928	\$1,338.55
65.04	4.08	Rose, Naomi 27 Coachlight Drive Chatham, New Jersey 07928	\$1,736.67
69	43	Mattle, Douglas 332 Fairmount Avenue Chatham, New Jersey 07928	\$12.51
78	13	Bernard, Peter & Lura Dunn 220 Longwood Avenue Chatham, New Jersey 07928	\$2,455.20
83	50	Narayan, Naresh & Sophie 12 Lincoln Circle Chatham, New Jersey 07928	\$3,679.65
89	1	Finkelstein, Seth & Lisa 1 Falmouth Road Chatham, New Jersey 07928	\$19.14
102.02	16	McGillis, Daniel & Elise 28 Field Berry Private Nepean, Ontario K2J5E8 Property: 9 Country Club Drive	\$2,627.79
128	56	American Properties at Chatham II 517 Rte 1 S, Suite 2000 Iselin, New Jersey 07880 Property: 19 Ferndale Road	\$2,872.82

RESOLUTION 2007-222

**TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
RELEASING DEVELOPER ESCROW ACCOUNT AND/OR
PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Hickory Square Associates, L.P. C/O Fidelity Management Company 641 Shunpike Road Chatham, NJ 07928	\$142,897.92

Deputy Mayor Brower asked about the tax refund for Hickory Square Associates. Administrator Ciccarone explained that the Hickory Square Associates brought forth a tax appeal, which the Township Committee decided to settle rather than have the matter go to trial. Resolution 2007-215 was removed from the Consent Agenda for a separate vote.

Deputy Mayor Brower moved to adopt the Consent Agenda. 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.

RESOLUTION 2007-215

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES**

WHEREAS, due to inadvertence, error, tax appeal settlement or judgment, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
65	2.01	First American Real Estate Tax Service P.O. Box 961230 West Lake, TX 76262 RE: 1F Avon Court	\$1120.32
113	115.08	Daniel & Mary Olmstead 28 Park View Road Chatham, NJ 07928 RE: 28 Park View Road	\$1657.50
State 48.23	Judgement 126.04	Hickory Square Assoc., LP & The Irwin Law Firm, P.A. 80 Main Street, Suite 410 West Orange, NJ 07052 RE: 641 Shunpike Road	\$58,474.08

Deputy Mayor Brower moved to adopt Resolution 2007-215. Committeewoman Hagner seconded the motion.

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

Mayor Tubbs called for a brief recess at 9:52 PM.
Mayor Tubbs called the meeting back to order at 9:57 PM.

Discussion

Tree Protection Ordinance

Committeewoman Hagner advised she had met with Mary Olmsted and June Tullman of the Tree Committee and they had put together the Chatham Township Tree Ordinance Revision Proposal that was distributed to the Committee. Committeewoman Hagner reviewed the provisions of the tree ordinance presently in effect. The current ordinance prohibits removal of trees greater than 12 inches without a permit/approval. The number of trees with a diameter of 12 to 18 inches that can be removed without replacement depends on the lot size. Any tree 18 inches in diameter or greater, one to one replacement is required. Any request to remove a tree 30 inches in diameter or greater would probably be denied. Specimen trees would also be denied. If the tree is dead or dying, no replacement is required. The current penalty is \$250 per tree. Mrs. Olmsted then reviewed the new proposed changes. The size would remain at 12 inches without a permit/approval and the requirement about specimen trees would be removed. In addition the number of trees allowed to be removed would not be based on different lot size regulations, but rather on the number of trees remaining on the lot. The proposed recommendation would be 20 trees per one-acre lot or 10 trees per ½ acre lot. The new proposal would still allow 3 trees to be removed without replacement, but the time frame would increase from 18 months to 2 years. Any tree removal that would result in being under the minimum requirement or any removal of trees greater than 30 inches would need to be reviewed by an arborist. Two different permit fees would be established depending upon whether an arborist's review is needed. Mrs. Olmsted also explained the possibility of a fine based on tree equivalent or increasing the fine depending on the diameter of the tree. With regard to the density calculation, Administrator Ciccarone asked if credit would be given for larger trees. Mayor Tubbs said some towns do consider that, but thought that would be difficult to enforce. Engineer Ruschke then presented another approach and made some suggestions based on his own experience. The first suggestion would be to prohibit the removal of trees greater than 12 inches in diameter in the rear and side yard setbacks with the exception of dead trees, nuisance trees or high density. Secondly, all trees within the 7,000 square foot usable lot area surrounding the house can be removed to do improvements. Beyond the 7,000 square foot density, require a density of one per 2,000 square foot. A lot grading plan would be required when more than 3 trees are being removed due to stormwater impacts. Replacements would be required for all tree removals and they would need to be placed in the setback areas. Waive tree replacements if front, side or rear density is already accomplished. Committeewoman Hagner said that either of the new proposals would be addressing some kind of density standards. Deputy Mayor Brower supported the idea of working with an arborist. He also raised a concern about developers who commit the same offense on more than one property and that fines should be escalated for repeat offenders of the ordinance. Furthermore, he would like to see Stop Work Orders included as a possible penalty. Committeeman Hartford said that due to the net loss of trees, he feels as though there is an enforcement problem with the current ordinance. Administrator Ciccarone thought the proposals tonight are clearly an improvement to protect trees. Engineer Ruschke advised he had talked with Attorney Woodward and that the Township could require with tear down and rebuilds that developers plant trees in the buffer area as part of the lot grading plan. Mayor Tubbs agreed the main concern is enforceability. Administrator Ciccarone stated this proposal would make it clearer that trees in setbacks could not be taken down unless there is an exception.

Mayor Tubbs opened the meeting to the public.

1. Bill Bererich, Highland Avenue resident, asked whether different neighborhoods could be treated differently and whether there was model tree ordinance? Attorney Woodward replied standards within municipal districts must apply uniformly and that all tree ordinances are different. Mr. Bererich also suggested that the arborist could promote trees by holding meetings for the public on how to make your property more valuable with trees. Mayor Tubbs agreed the main focus of the Tree Committee should be on education. Mr. Bererich also asked about requiring residents to plant trees and added that he liked the engineer's proposal.
2. Chuck Heller, Hall Road resident, talked about how much he cherishes the wooded lots on Hall Road and emphasized the need to preserve the second growth as well. Mr. Heller thought consideration should be given to the growth rate and that the qualifications of the arborist should be researched. Because of drainage concerns, Mr. Heller suggested the tree ordinance be integrated with the landscape ordinance. In addition, Mr. Bererich said when trees are taken down, due to the fact that the tree roots are interlocked, the remaining trees are affected.

3. Andy Stillinger, Noe Avenue resident, referred to a lot where 20 trees were removed and said the problem was mostly with builders clear cutting lots. Mr. Stillinger thought most of the contents of this ordinance could be eliminated, but recommended a tree ordinance that would contain some elements Mr. Brower had put in a Planning Board resolution to protect trees and thought neighbor's trees should be protected as much as possible.

Seeing no further comment, Mayor Tubbs closed the public comment session.

Mayor Tubbs said there would need to be further discussion on this, but it appears that people like the tree equivalents and preserving trees in the buffer and setback areas. Deputy Mayor Brower asked whether a developer could pay larger fees for an arborist's review than a homeowner. Attorney Woodward said he would need to research this.

Ordinance 2007-22- Accepting Conservation Easement

ORDINANCE 2007-22

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING CONSERVATION EASEMENT FOR BLOCK 17, LOT 81.11, KARLIN DRIVE

WHEREAS, Michael Rosenberg and Joanne Rosenberg are the owners of 1 Karlin Drive, Block 17, Lot 81.11, and have, pursuant to a resolution of the Planning Board granting subdivision approval to permit the acquisition of a portion of premises known as 614 Fairmount Avenue, Block 17, Lot 82, to enlarge 1 Karlin Drive, been required to convey a Conservation Easement to the Township that includes without limitation wetlands and wetlands buffers, all as more particularly described in a metes and bounds description dated July 13, 2007, prepared by John Cilo, Jr. Associates; and

WHEREAS, the Township Committee wishes to authorize the Mayor and Clerk to execute such easement agreement;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute a conservation easement agreement, in form similar to that attached hereto, with the owners of 1 Karlin Drive, Block 17, Lot 81.11, which easement shall be as described in accordance with a metes and bounds description dated July 13, 2007, prepared by John Cilo, Jr. Associates, and which shall be approved by the Township Attorney.

Attorney Woodward advised he had reviewed the Conservation Easement. Committeeman Hartford questioned the use of the word "required" in the first paragraph. Administrator Ciccarone explained as a condition of the approval of the subdivision, they were required to convey this conservation easement.

Deputy Mayor Brower moved to introduce Ordinance 2007-22. Mayor Tubbs seconded the motion.

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

Public Hearing for Ordinance 2007-22 will be scheduled for December 13, 2007.

Deputy Mayor Brower moved to adjourn at 11:43 PM. Committeeman O'Connor seconded the motion and it carried unanimously.

Joy Wiley
Municipal Clerk