

**TOWNSHIP OF CHATHAM  
TOWNSHIP COMMITTEE MEETING MINUTES  
DECEMBER 18, 2008**

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

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Mayor Tubbs led the flag salute.

**Roll Call**

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

**Approval of Agenda**

Deputy Mayor Brower moved to approve the agenda. Committeewoman Hagner seconded the motion, and it carried unanimously.

**Reports**

Engineer Ruschke reported that the contractor for the bike path needs to return in the Spring to do some landscaping work. The guardrail at the Chatham Street bike path is supposed to be put in next week. Committeeman Gallop asked if there would be any structures at the end of the bike paths to force riders to come to a full stop. Engineer Ruschke said that some fencing would be installed. Furthermore, the current structures meet DOT guidelines, and other mechanisms can be investigated. Deputy Mayor Brower asked if bike paths would be maintained for ice and snow. Administrator Ciccarone said that such maintenance would depend on how much traffic the paths get in the winter. Engineer Ruschke reported that there is a preconstruction meeting scheduled for the Senior Center Improvements project, and the contractor will be starting work soon. For Shunpike Fields, the stormwater improvements have been designed, and a detention basin will be installed. Permit applications will be further dealt with once the costs of the project become clearer. Committeeman Gallop reported that a July 1, 2009 deadline has been set for residents along the recent sewer project to either connect to the sewer line or to receive a valid deferral. Committeewoman Hagner reported that the Recreation Committee had a lengthy discussion regarding baseball tryouts. A discussion was also held regarding summer camps, and the camps might disassociate with the recreation program. Administrator Ciccarone reported that a bond anticipation note sale was conducted, and Commerce Capital was the lone bidder at \$1.9 million with a net interest cost of 2.71%, and it is a seven-month note. Mayor Tubbs addressed a Star Ledger article that claimed that Township Committee members get paid \$12,000 a year for their service, and pointed out that those figures are inaccurate.

**Hearing of Citizens/Petitions**

Mayor Tubbs opened the Hearing of Citizens.  
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

**Consent Agenda**

**RESOLUTION 2008-221**

**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:

- Construction Official – November
- Animal Control – November
- Police Department – October
- Municipal Court – November
- Dog Licensing Official – 4th Quarter
- Chatham Emergency Squad – November

**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 – November
- Open Space Committee – September, October
- Environmental Commission – October, November

**RESOLUTION 2008-222**

**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 \$166,396.05 be paid.

**RESOLUTION 2008-223**

**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 judgement, 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 for 2007 be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
48.06	20	Steven & Maureen Rathgaber 25 Peppermill Road Chatham, NJ 07928	\$571.50
48.07	3	Eric & Alvina Goldstein 38 Wickham Way Chatham, NJ 07928	\$40.89
48.10	9	Eugenio & Maria Mendoza 108 Westminster Road Chatham, NJ 07928	\$441.91
48.10	14	Leonard Gilbert & Tam Lang 88 Westminster Road Chatham, NJ 07928	\$138.60
48.14	6	David & Michael Hackett 11 Lori Lane Chatham, NJ 07928	\$250.00
48.17	138	Gerard Weir P.O. Box 92 Green Village, NJ 07935 Re: 365 Green Village Road	\$250.00
62.02	14	Sean & Kathleen Donovan 477 Fairmount Avenue Chatham, NJ 07928	\$2160.60

62.03	12	Michael & Sandra Seddon 547 Fairmount Avenue Chatham, NJ 07928	\$2205.06
62.08	14	Venezia & Arnella, James & Mary 642 River Road Chatham, NJ 07928	\$44.23
62.11	10	Bradley & Jessica Smith 102 Huron Drive Chatham, NJ 07928	\$1953.76
64.04	13.12	Donald Matrале III 182 Riveredge Drive Chatham, NJ 07928	\$130.64
65	1.10	Stephen Pantozzi 2G Avon Court Chatham, NJ 07928	\$125.00
65.03	1.02	Christine Cortese 29 Canterbury Road Chatham, NJ 07928	\$391.50
65.03	8.05	Szilard & Samantha Szalay 63 Canterbury Road Chatham, NJ 07928	\$29.18
65.04	4.08	Naomi Rose 27 Coachlight Drive Chatham, NJ 07928	\$1736.67
65.04	7.05	Gerald & Keiko Harvey 18 Countryside Drive Summit, NJ 07901 Re: 20 Coachlight Drive	\$113.04
79	7	Alan Routh 82 Fairview Avenue Chatham, NJ 07928	\$48.24
83	1	Kenneth & Nicole Finnen 71 Pine Street Chatham, NJ 07928	\$11.49
86	3	Jonathan & Barbara Bristol 19 Yarmouth Road Chatham, NJ 07928	\$2313.72
86	18	Steven & Diana Brunnert 10 Lenape Trail Chatham, NJ 07928	\$723.75
93	2	Ellyn Korzun 53 Meadowbrook Road Chatham, NJ 07928	\$232.88
95.01	8	Ronald & Danielle Doria 372 Shunpike Road Chatham, NJ 07928	\$716.05

96	1.04	James & Liliana Wilson 106 Noe Avenue Chatham, NJ 07928	\$3399.63
102.02	31	Erling Hoie & Gina Zuniga 2 Rolling Hill Drive Chatham, NJ 07928	\$302.82
102.08	15	Ronald & Shannon Holmes 61 Dale Drive Chatham, NJ 07928	\$5037.84
102.08	29	James & Bonnie Platek 46 Linden Lane Chatham, NJ 07928	\$164.35
106	18.01	Won Jae & Hee Sun Kim Yang 38 Park View Road Chatham, NJ 07928	\$2302.34
113	115.11	Xue-Zhong Zheng & Chen Siying 38 Park View Road Chatham, NJ 07928	\$3254.04
133	1	Robert & Dorothy Kyber 14 Lake Road Chatham, NJ 07928	\$125.00

**RESOLUTION 2008-224**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW JERSEY APPROVING DEVELOPER'S AGREEMENT WITH REXCORP CONSTRUCTION & DEVELOPMENT, LLC**

**WHEREAS**, the Planning Board of the Township of Chatham, by resolution dated August 20, 2007, has granted preliminary and final site plan approval to RexCorp Construction & Development, LLC, for premises located at Block 142, Lot 1, on the current tax map of the Township to permit the installation of a sanitary sewer pump station and related gravity and force main sewer lines; and

**WHEREAS**, said approvals require the execution of a Developer's Agreement and Subdivision Cash Deposit Agreement with the Township as a condition of said approvals, which agreement has been submitted, reviewed by the Planning Board and Township Attorneys, and been found acceptable;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that said Developer's Agreement copy attached hereto, with RexCorp Construction & Development, LLC, be hereby accepted, and that the Mayor and Clerk are hereby authorized to execute the same.

**RESOLUTION 2008-225**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2008 BUDGET.**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Chatham has received \$700.00 from the State of New Jersey for Domestic Violence Training and wishes to amend its 2008 Budget to include these funds as a revenue,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$700.00 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:  
Domestic Violence Training Grant, and

**BE IT FURTHER RESOLVED**, that a like sum of \$700.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:  
Domestic Violence Training Grant.

**BE IT FURTHER RESOLVED**, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

#### **RESOLUTION 2008-226**

### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE ROLLING HILL AT CANDACE SUBDIVISION**

**WHEREAS**, the Planning Board has granted preliminary and final subdivision approval for a development known as the Rolling Hill at Candace Subdivision, Block 36, Lots 16 and 16.04; and

**WHEREAS**, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

**WHEREAS**, as set forth by Township Engineer John K. Ruschke, P.E. in his letter dated December 4, 2008, the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$88,325.40, which covers the remaining work described by the engineer's report;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the letter of Township Engineer John K. Ruschke, P.E., dated December 4, 2008, to the amount of \$88,325.40 and that release of the performance guaranty in excess of that amount is hereby authorized, provided that no relief granted herein shall be construed to relieve the developer from the obligation, once all work is completed and accepted, to post a maintenance guaranty in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

#### **RESOLUTION 2008-227**

### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR WOMEN'S ASSOCIATION OF MORRISTOWN MEMORIAL HOSPITAL**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by the Women's Association of Morristown Memorial Hospital on April 16, 2009, at Fairmount Country Club, Chatham Township, are hereby approved.

#### **RESOLUTION 2008-228**

### **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>Cash Account #</u>	<u>AMOUNT</u>
361 Shunpike Builders, LLC 580 Ludlow Avenue Cranford, NJ 07081	7760011167	\$147,255.00

Block 96, Lots 2 & 2.02

Deputy Mayor Brower asked about grant money for the Playwrights Theatre. Administrator Ciccarone said that this is a matching grant to a supplemental grant received by the Municipal Alliance.

Committeewoman Hagner moved to adopt the Consent Agenda. Committeeman Gallop seconded the motion.

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

### Discussion

#### Township Meeting Schedule for 2009

Township Clerk Joy Wiley said that the first meeting of 2009 is scheduled for January 7, 2009 at 7:30 P.M., which is a Wednesday night. Attorney Woodward explained that state law requires that municipal reorganization meetings must occur within the first week of the year. Township Clerk Wiley reviewed the proposed meeting schedule for 2009.

#### Letter from ARC Morris

Administrator Ciccarone explained that ARC Morris runs a group home in the Township, and although they are tax exempt, they still make a payment to the Township in lieu of property taxes. The Township traditionally returns the funds to ARC Morris.

Committeeman Gallop moved to return the check to ARC Morris. Committeewoman Hagner seconded the motion.

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

### Hearing of Citizens/Petitions

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

### Further Discussion

Deputy Mayor Brower asked about a funding request made by the Senior Center, and he said that they are making the same request of Chatham Borough. Mayor Tubbs said that it would need to be discussed during budget hearings.

**Executive Session**

**RESOLUTION 2008-P-16**

**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 concerning Rolling Knolls Landfill  
Personnel Issues

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

Committeeman Gallop moved to go into Executive Session at 8:23 P.M. Deputy Mayor Brower seconded the motion.

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

The Committee returned from Executive Session at 10:36 P.M. Committeeman Gallop moved to adjourn. Deputy Mayor Brower seconded the motion and it carried unanimously.

---

Joy M. Wiley  
Municipal Clerk