

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
DECEMBER 20, 2007**

Mayor Tubbs called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:40 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 December 13, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 13, 2007; and notice was filed with the Township Clerk on December 13, 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

Deputy Mayor Brower moved to approve the agenda. Committeeman O'Connor seconded the motion, and it was approved unanimously.

Reports

Mayor Tubbs reported that several notable Chatham Township residents passed away during 2007, and he asked for a moment of silence in their honor.

Mayor Tubbs also reported that the CERT Team was called into service for the first time ever during the ice storm on December 13, 2007. He thanked them for their service. Lt. Petersen said that the CERT Team aided the Police Department with traffic control while a fallen tree on River Road was removed. In regard to Shunpike Fields, Mayor Tubbs reported that the NJDEP has requested that an entire permit be submitted before they begin their review. Mayor Tubbs and Engineer Ruschke have been in touch with Senator Kean's office for assistance in this process.

Presentation – Environmental/Energy Issues

Steve Carrol from the Chatham Township Environmental Commission gave a presentation on the Baseline Emissions Inventory. Mr. Carrol gave a summary of the process used to determine the amount of CO₂ produced by the Township, and also provided a summary of the total emissions. Recommendations for energy savings included the following:

1. Replacement of traffic lights with LED lights.
2. Replacement of interior lighting within the Municipal Building.
3. Conduct a professional energy audit.
4. Consider using solar power for exterior lighting at Municipal Building.

Deputy Mayor Brower asked who is responsible for streetlights. Attorney Woodward said that the Township is responsible for streetlights on municipal roads, and possibly on county roads. He added that there are grant programs available to aid municipalities in upgrading lighting equipment. Deputy Mayor Brower also warned caution in this process, out of concern that the suggestions presented may not turn out to be as practical as they sound. Committeeman O'Connor suggested that the Township move forward with the energy audit.

Public Hearing/Final Adoption of Ordinances

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.

Mayor Tubbs opened the Public Hearing on Ordinance 2007-22.
Seeing none, Mayor Tubbs closed the Public Hearing.

Deputy Mayor Brower moved to adopt Ordinance 2007-22. 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 2007-223

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ROSARY SHRINE GUILD

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles and on-premise raffles to be conducted by Rosary Shrine Guild on March 6, 2008, at Corpus Christi Church, Chatham Township, are hereby approved.

RESOLUTION 2007-224

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 \$791,738.77 and the prior month's payroll of \$459,843.67 Current Fund, \$44,458.94 Sewer No. 1, \$7,848.51 Sewer No. 2, and \$28,080.53 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of December 2007, in the amount of \$2,792,242.14 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for Added and Omitted Taxes for 2007, in the amount of \$116,497.51 be paid.

RESOLUTION 2007-225

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 29, 2007.

RESOLUTION 2007-226

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING 2008 INTERLOCAL SERVICES AGREEMENT FOR UTILIZATION OF THE COUNTY'S MOBILE DATA TERMINAL SYSTEM

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Interlocal Services Agreement with the County of Morris for utilization of the County's Mobile Data Terminal System for a term of one year, commencing January 1, 2008 and terminating December 31, 2008. A copy of this agreement will be kept on file in the Office of the Township Clerk.

RESOLUTION 2007-227

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTER-LOCAL AGREEMENT WITH THE PASSAIC VALLEY SEWERAGE COMMISSION FOR THE DISPOSAL OF WET SLUDGE.

WHEREAS, the Township Committee of the Township of Chatham adopted Ordinance 2002-011 on September 12, 2002, approving an inter-local agreement between the Township of Chatham and the Passaic Valley Sewerage Commission for the treatment and disposal of wet sludge generated by the Township's sewer treatment plants, known as the Tanglewood Plant and the Chatham Glen Plant, and

WHEREAS, the Agreement(s) entered into had a term of five (5) years, expiring December 31, 2007 and

WHEREAS, the Township of Chatham wishes to renew the agreement(s) for another five (5) year term in accordance with the terms delineated in proposed agreement(s) dated December 7, 2007 and attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute said agreement(s).

RESOLUTION 2007-228

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

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the plan review fee that was paid for a construction permit;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Brinks Home Security 14B Worlds Fair Drive Somerset, NJ 08873	\$36.00

RESOLUTION 2007-229

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR ST. VINCENT MARTYR CHURCH

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles and on-premise raffles to be conducted by St. Vincent Martyr Church on March 29, 2008, at Fairmount Country Club, 400 Southern Boulevard, Chatham Township, are hereby approved.

RESOLUTION 2007-230

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

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

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

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

Appropriation	To	From
Road Repairs OE	\$15,000	
Code Enforcement S&W	\$1,000	
Engineering OE	\$10,000	
Gasoline	\$10,000	
Legal Services OE	\$10,000	
Buildings & Grounds OE	\$5,000	
General Admin OE	\$5,000	
Dispatch S&W		\$36,000
Animal Control		\$20,000
Total	\$56,000	\$56,000

RESOLUTION 2007-231

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING JAMES BROWN AS SPECIAL ASSESSMENT COMMISSIONER

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

1. James Brown is hereby appointed as Special Assessment Commissioner, in place of Richard Rospond who has resigned his appointment, for the purpose making assessments, as authorized and permitted by N.J.S.A. 40:56-21, et seq. and other applicable law, for benefits arising from the local sewer improvements authorized by and arising from the work described in Ordinance 2004-011 and Resolution 2004-042, and generally including the following streets: River Road, Mountain Avenue, Fairmount Avenue, Johnson Drive and Candace Lane.

2. The Special Assessment Commissioner appointed herein shall have all authority and power granted by N.J.S.A. 40:56-21, et seq., and other applicable law to make such assessments for the improvements described above.

3. The term of office of such Commissioner herein appointed shall terminate upon the completion of all duties and responsibilities in connection with said improvements in accordance with law.

Committeeman Hartford asked about Resolution 2007-227. Administrator Ciccarone explained that in 2002 a 5-year interlocal agreement was entered into with Passaic Valley Sewerage Commission for the removal of wet sludge, and the agreement is now being renewed.

Committeeman O'Connor moved to adopt the Consent Agenda. Deputy Mayor Brower seconded the motion.

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

Discussion

Township Committee Meeting Schedule for 2008

Mayor Tubbs suggested that the meeting scheduled for December 27, 2007 be canceled.

Deputy Mayor Brower moved to cancel the meeting scheduled for December 27, 2007. Committeeman O'Connor seconded the motion and it carried unanimously.

Administrator Ciccarone reviewed a proposed schedule of Township Committee meetings for 2008, as well as the Reorganization Meeting in 2009. The schedule will be adopted in a resolution at the Reorganization Meeting on January 3, 2008.

Letter from ARC Morris

Mayor Tubbs explained that every year, although ARC Morris is exempt from property taxes, they still send the Township a payment. They then proceed to request that the money be returned to them. Deputy Mayor Brower asked if the Township receives COAH credit through ARC Morris, which Attorney Woodward said they did.

Deputy Mayor Brower moved to return the payment to ARC Morris. Committeewoman Hagner seconded the motion.

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

COAH

Mayor Tubbs asked for an update on COAH. Attorney Woodward said that COAH has issued prospective rules that will be published soon. One of the proposed rules is a 5:1 ratio of market rate units to affordable housing units. Administrator Ciccarone explained that there is a new methodology as well. Deputy Mayor Brower asked about the collection of developer's fees. Committeeman Hartford said that he had asked the Planning Board attorney to contact Attorney Woodward about writing an interim developer's fees ordinance. He also asked if the new rules would result in a recalculation of the Township's obligation credit. Administrator Ciccarone explained that the new methodology would double the number of units over an extended period of time. Committeeman Hartford also said that he would like to see some affordable housing for senior citizens. Mayor Tubbs requested that the ordinance discussed should be prepared as soon as possible and that a formal report be presented in the new year about the Township's obligations going forward.

Environmental Management

Committeeman Hartford referred to a brochure he received regarding the management of right-of-ways by PSE&G. He said that he would like to see a detailed plan regarding what is being done in the Township, and he does not want to see herbicides used in the Great Swamp Watershed.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

1. Tom Driscoll, Madison resident, said that he lives behind the visitor's stands at Cougar Field, and noise levels by the stands are very loud. Mr. Driscoll is concerned by the fact that decibel levels at the field exceed what the Noise Ordinance allows, and he would like

to see the Noise Ordinance enforced. Attorney Woodward said that he would have to find out whether or not the Board of Education is subject to a Board of Health ordinance.

2. Diane Driscoll, Madison resident, said that the noise problem has been getting worse. In regard to COAH, Mrs. Driscoll said that the info has been posted on the DCA website.
3. Andy Stillinger, Noe Avenue resident, asked who the enforcement officer would be for the provisions in Ordinance 2007-14. Administrator Ciccarone said that it would be handled through the Code Enforcement Department. Mr. Stillinger also asked when Township Committee meetings would begin to be televised. Committeewoman Hagner responded that it would probably be after the 1st quarter, and that equipment has to be acquired first. Mr. Stillinger also asked about having the recordings of the Township Committee meetings posted on the website.

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

Presentation

Mayor Tubbs presented Committeeman Hartford with a plaque in recognition of his service to the Township during his term on the Township Committee. Committeeman Hartford said that he enjoyed working with the public.

Executive Session

RESOLUTION 2007-P-07

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 adopt Resolution 2007-P-07 to go into Executive Session for personnel matters at 9:21 P.M. 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.

The Township Committee returned from Executive Session at 10:45 P.M. Deputy Mayor Brower moved to adjourn. Committeeman O'Connor seconded the motion and it carried unanimously.

Joy Wiley
Municipal Clerk