

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
SEPTEMBER 12, 2013**

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:31 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, 2013; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2013; and notice was filed with the Township Clerk on January 4, 2013.

Roll Call

Answering present to the roll call were Committeeman Sullivan, Committeewoman Abbott, Committeeman Brower, Deputy Mayor Gallop and Mayor Hagner.

Approval of Agenda

Mayor Hagner said that the Solar Panel discussion would be pulled from the Agenda, and will be discussed at a future meeting after some additional research is performed.

Committeewoman Abbott moved to approve the Agenda as amended. Mayor Hagner seconded the motion, and it carried unanimously.

Reports

Committeewoman Abbott reported that Colony Pool had a successful year, with membership and attendance having risen. The Colony Tennis program was also successfully transferred to The Strand. Committeewoman Abbott also reported that a hazardous waste recycling event is being run by Morris County on Saturday, September 14th, and the Green Fair of the Chathams will be held on September 21st in Chatham Borough. Committeewoman Abbott also reported on a suggestion that the Township use filtered water rather than bottled water. Regarding Safe Routes to School, Committeewoman Abbott said that a lot more parents are picking up their children behind Southern Boulevard School. Committeewoman Abbott also reported on a food drive being run by Morris County.

Deputy Mayor Gallop reported on the Joint Municipal Court, and gave a breakdown on the types of cases coming from Chatham Township.

Committeeman Brower asked about the Flu Clinic schedule. Mr. LaConte reported that the Chatham Township clinic will be held on September 18th from 1:30 PM to 3:00 PM, and Madison will be having theirs that morning. Committeeman Brower noted that this year's flu vaccine is a trivalent vaccine, which will inoculate against three strains of the virus. Deputy Mayor Gallop asked about flu vaccines for the residents of King James Care Center and Juniper Village. Committeeman Brower also raised an issue that the Fairmount Country Store has only one restroom, and he would like to see them have a second restroom. He also reported that the Senior Center is pleased with the new automatic doors.

Committeeman Sullivan reported that fall sports are underway. He also commented on the need for those using recreational fields to clean up after themselves. Committeeman Sullivan also reported that the Chatham Athletic Foundation will be holding a fundraising event on September 28th at the gazebo in Chatham Borough.

Committeewoman Abbott mentioned wanting to have a group e-mail address so that residents can send an e-mail to the whole Township Committee with one address.

Mayor Hagner reported that there will be a Health & Wellness Fair in conjunction with the Farmer's Market on September 14th. Committeeman Brower noted that the Health Department will be encouraging vendors at the Farmer's Market to have hand sanitizers. Mayor Hagner

further reported that the new Township website, <http://www.chathamtownship-nj.gov/>, is now live, and she gave a summary of the new features.

Administrator Ciccarone thanked the neighbors of Colony Pool for their patience as parking issues have been worked out. He also recognized Recreation Director Jack Conway for his efforts in improving the Colony program. Administrator Ciccarone also recognized Pool Manager Al Hauser and his staff for overseeing a safe Colony season. Regarding revenue from Colony, Administrator Ciccarone said that the 2013 numbers are about the same as 2012, even though the membership numbers went up. Committeewoman Abbott noted that a satisfaction survey will be sent to Colony members.

Engineer Ruschke reported that there are still some punch-list items to be dealt with in the River Road Improvements project. The Micro-Paving Project is also underway, and the Skate Park improvements have begun. Regarding the generator for Police Headquarters, shop drawings are under review. He also reported on NJDOT grant applications, and a resolution at the next meeting will be necessary to authorize the applications. Engineer Ruschke also said that the basketball court at Shunpike Field is playable. Bids were received for a transfer switch at the Municipal Building, and they all came in too high. Engineer Ruschke also elaborated on plans to replace the generator at the sewer plant, and whether the Municipal Building would have a permanent generator or if temporary generators attached to the transfer switch would suffice.

Deputy Mayor Gallop asked about contingency plans in case there is another October storm this year. Administrator Ciccarone said that without the transfer switch, generators cannot be hooked up at the Municipal Building. Committeeman Brower asked about FEMA grants. Administrator Ciccarone said that Steve Davenport has taken care of submitting the grant applications.

Mayor Hagner asked about Buxton Road. Engineer Ruschke said that the road opening permit ordinance is under review to see if a requirement can be added to require repaving rather than patchwork when substantial amounts of road are being disturbed.

Introduction of Ordinances

Ordinance 2013-18

ORDINANCE 2013-18

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF A SANITARY SEWER EASEMENT FROM TIMOTHY W. KELLY AND KIRSTEN MARIE ROWAN KELLY ON PROPERTY KNOWN AS 74 WESTMINSTER ROAD, BLOCK 48.10, LOT 17, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM

WHEREAS, the Township of Chatham (the Township) proposes to modify its sanitary sewage treatment system by converting the Chatham Glen Sewage Treatment Plant which serves the Chatham Glen condominium complex and adjacent area into a pump station to transmit the sewage flow therefrom to the Tanglewood Lane sewage treatment plant and then to transmit all the treated effluent from the Tanglewood Plant through newly installed piping to the Passaic River; and

WHEREAS, as part of the project, a sanitary sewer easement is required from Timothy W. Kelly and Kirsten Marie Rowan Kelly owners of 74 Westminster Road, Block 48.10 , Lot 17, as shown on the Tax Map of the Township of Chatham, to provide for the installation of the necessary sewer lines; and

WHEREAS, acquisition of the subject easement will advance the intent and purposes of the project; and

WHEREAS, the Mr. and Mrs. Kelly are willing to convey the subject easement premises to the Township for the sum of Six Thousand Three Hundred and 00/100 Dollars (\$6,300.00) and other good and valuable consideration; and

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 Township of Chatham hereby approves and authorizes the Mayor and Township Clerk to execute a sanitary sewer easement agreement in form similar to that attached hereto and such other documents as may be necessary to acquire said easement on the premises known as 74 Westminster Road, Block 48.10, Lot 17, on the Tax Map of the Township of Chatham.

2. The acquisition of the easement shall be for the sum of Six Thousand Three Hundred and 00/100 Dollars (\$6,300.00) and other good and valuable consideration.
3. This ordinance shall take effect in accordance with law.

Mayor Hagner said that this easement is in connection with the upcoming sewer improvement project. Attorney Woodward said that the property owner has agreed to the easement, and the value of the easement has been appraised at \$6300.00. Committeeman Brower asked about access to the easement. Attorney Woodward said that the Township's access is only for sewer line maintenance. Committeeman Brower also raised concerns about ensuring the property owner's right to use their property.

Committeeman Brower moved to introduce Ordinance 2013-18. Committeewoman Abbott seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye; Committeeman Brower, Aye; Deputy Mayor Gallop, Aye; Mayor Hagner, Aye.

Public Hearing on Ordinance 2013-18 will be scheduled for September 26, 2013.

Ordinance 2013-19

**ORDINANCE 2013-19
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, VACATING THE RIGHT OF WAY FOR A PORTION OF
LONG HILL ROAD**

WHEREAS, a portion of the southerly end of Long Hill Road in the Township of Chatham is fifty (50) feet in width and extends approximately 126 feet south from the intersection of Long Hill Road and Woodlawn Drive along the length of 3 Woodlawn Drive (Lot 10, Block 60), and 4 Long Hill Road (Lot 11.01, Block 60) to its end as shown on the Map of Property of Long Hill Country Club Estates, filed in the Morris County Clerk's Office on August 28, 1934 in Case No. 960E, and never has been and remains undeveloped as a street; and

WHEREAS, the Township has no need for said portion of the street right of way and it appearing that the public interest will be better served by vacating said portion of the street right of way;

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

1. That the southerly portion of Long Hill Road as shown in the Map of Property of Long Hill Country Club Estates, filed in the Morris County Clerk's Office on August 28, 1934 in Case No. 960E, which extends from the southerly side of the intersection of Woodlawn Drive and Long Hill Road south along the length of 3 Woodlawn Drive (Tax Map Lot 10, Block 60), and 4 Long Hill Road (Tax Map Lot 11.01, Block 60) to the end of the street is hereby vacated in its entirety and the portions thereof divided and conveyed to the adjoining property owners in accordance with law.
2. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under Long Hill Road, are hereby expressly reserved from vacation.
3. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
4. This ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Mayor Hagner gave the background on this request for vacation of a paper street.

Committeeman Brower moved to introduce Ordinance 2013-19. Committeeman Sullivan seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye; Committeeman Brower, Aye; Deputy Mayor Gallop, Aye; Mayor Hagner, Aye.

Public Hearing on Ordinance 2013-19 will be scheduled for October 10, 2013.

Consent Agenda

RESOLUTION 2013-172

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 \$756,458.77 and the prior month's payroll of \$443,576.61 Current Fund, \$44,193.35 Sewer No. 1, \$10,381.01 Sewer No. 2, \$10,794.68 Recreation Trust and \$18,189.09 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of September 2013, in the amount of \$2,702,308.11 be paid.

RESOLUTION 2013-173

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 August 15, 2013.

RESOLUTION 2013-174

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 15, 2013.

RESOLUTION 2013-175

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES AND SEWER UTILITY FEES

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; 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>NAME & ADDRESS</u>	<u>AMOUNT</u>
83	52	Devlin, Colin T & Ann S 1 Lincoln Circle Chatham, NJ 07928	\$6,022.04 Property Tax Overpayment
61	2	Brad Littlehale 10 Morningside Drive Dover, MA 02030 Re: 751 Fairmount Ave	\$175.00 Sewer Utility Fee Overpayment

RESOLUTION 2013-176

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX LIEN

WHEREAS, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

WHEREAS, the Tax Collector has recommended the refund of such tax lien

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

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
48.16	120 & 120 QFarm	Park Finance II, LLC P.O. Box 109 Cedar Knolls, NJ 07927 Lien #11-00003 Fornaro, Andrew A Jr. & Ann F. 431 Southern Boulevard	\$24,295.26 – Certificate \$7,000.00 – Premium \$31,295.23 – Total
38	7	Rainbow Associates , LLC PO Box 117 Morris Plains, NJ 07950 Lien #10-00004 Merwin, John & Cynthia Boulton 149 Candace Lane	\$92,588.90 – Certificate \$1,426.23 – Foreclosure Fees \$94,015.13 – Total

**RESOLUTION 2013-177
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 Office Manager with regard to the fee that was paid for a permit that was submitted twice for the same work;

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>PERMIT #</u>	<u>AMOUNT</u>
Mr. Gache 356 Fairmount Avenue Chatham, NJ 07928	13-0211	\$253.60

**RESOLUTION 2013-178
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>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
MetroPCS NY LLC Attn: James Kelly 5 Skyline Drive Hawthorne, NY 10532	PLBD 08-48.16-117.27 401-405 Southern Blvd	7760011248	\$315.00
Sycamore Custom Living 95 West Main Street, Suite 5-298 Chester, NJ 07930	PLANBD 02-38-42 Meyersville Road	7200038933	\$195.31
Sycamore Custom Living 95 West Main Street, Suite 5-298 Chester, NJ 07930	BOA 02-38-42.03	7200038986	\$120.00

RESOLUTION 2013-179
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2013 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 \$4,620.53 from the State of New Jersey Drunk Driving Enforcement Fund and wishes to amend its 2013 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 2013 in the sum of \$4,620.53 which is will be available as a revenue from:

**Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private
Revenues Offset with Appropriations:
Drunk Driving Enforcement Fund, and**

BE IT FURTHER RESOLVED, that a like sum of \$4,620.53 be and the same is hereby appropriated under the caption of:

**Public and Private Programs Offset by Revenues:
Drunk Driving Enforcement Fund Grant.**

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 2013-180
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CROSSING GUARD

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Anthony Armenio is hereby appointed to serve as a part-time substitute crossing guard for the Township of Chatham, effective September 16, 2013, at a rate consistent with the 2013 Salary Resolution.

Mayor Hagner asked about the appointment of a substitute crossing guard. Administrator Ciccarone said that a pool of backup crossing guards needs to be maintained in case one of the active crossing guards calls out sick or is otherwise unavailable.

Committeeman Brower asked about a blanket purchase order. Administrator Ciccarone said that blanket purchase orders are used for certain vendors so that when items need to be purchased from that vendor, the money is already encumbered for that purpose. Committeeman Brower also asked about reimbursements to condo associations for certain services. Administrator Ciccarone said that the reimbursement is in the amount that it would cost the Township to provide that service. Committeeman Brower also asked about a curb repair on Glenmere. Administrator Ciccarone explained that there was a drainage issue that was corrected by DPW, and a contractor was hired to fix the curbing afterward.

Committeewoman Abbott inquired about purchase of bottled water. Committeeman Brower asked about a postage fee for Piazza & Associates.

Committeeman Brower asked about the refund of a tax lien. Attorney Woodward explained the process for a tax sale and redemption of a tax lien.

Committeeman Brower moved to approve the Consent Agenda. Committeeman Sullivan seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye (Abstain on Resolutions 2013-173 & 2013-174); Committeeman Brower, Aye; Deputy Mayor Gallop, Aye (Abstain on Resolutions 2013-173 & 2013-174); Mayor Hagner, Aye.

Discussion

AT&T Cell Tower Request

Mayor Hagner said that a request was received from AT&T that the Township Committee consider allowing a permanent cell tower at the Municipal Building. Attorney Woodward said that the current tower is temporary. He also explained that the Township would have to go out to bid to allow the permanent tower. Committeeman Brower suggested that a permanent tower be higher than the current tower so that additional antennae can be placed thereon. Administrator Ciccarone said that if a permanent site is pursued at the Municipal Building, he anticipates that similar requests will be made for the other temporary sites.

Hearing of Citizens

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

Executive Session

RESOLUTION 2013-P-12

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
Personnel Matters

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.

Mayor Hagner announced that the Township Committee would be taking action after Executive Session.

Committeewoman Abbott moved to pass Resolution 2013-P-12 to enter Executive Session at 9:09 PM. Committeeman Brower seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye; Committeeman Brower, Aye; Deputy Mayor Gallop, Aye; Mayor Hagner, Aye.

The Township Committee returned from Executive Session at 9:35 PM.

RESOLUTION 2013-181

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF MICHAEL GIANNONE CLAIM AND SETTLEMENT OF SUMMIT RISK SERVICES CLAIM NUMBER XJ-0704

WHEREAS, the Township of Chatham has previously been served with a Notice of Claim from former police officer Michael Giannone; and

WHEREAS, the parties have engaged in settlement discussions, and the parties have reached an agreement with respect to the matters in dispute and to settle the claims; and

WHEREAS, the parties have agreed to settle any and all claims made or that could be made by way of this settlement,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the settlement of the claims made are hereby approved and that the Mayor and Township Clerk be are hereby authorized to execute a claim settlement agreement in a form approved the Township Attorney.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the settlement of the Summit Risk Services Claim NO. XJ-0704 on behalf of Indian Harbor Insurance Company is hereby approved and authorized.

Committeeman Brower moved to pass Resolution 2013-181. Committeewoman Abbott seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye; Committeeman Brower, Aye; Deputy Mayor Gallop, Aye; Mayor Hagner, Aye.

RESOLUTION 2013-182

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING REPAYMENT OF ADVANCE FROM THE MORRIS COUNTY JOINT INSURANCE FUND OF FUNDS ADVANCED IN SETTLEMENT OF SUMMIT RISK SERVICES CLAIM NUMBER XJ-0704

BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that repayment of the funds advanced by the Morris County Joint Insurance Fund in the amount of \$100,000.00 to cover the Township's share in the settlement of Summit Risk Services Claim NO. XJ-0704 be and the same is hereby approved and authorized.

Committeeman Brower moved to pass Resolution 2013-182. Committeeman Sullivan seconded the motion.

Roll call: Committeeman Sullivan, Aye; Committeewoman Abbott, Aye; Committeeman Brower, Aye; Deputy Mayor Gallop, Aye; Mayor Hagner, Aye.

Committeeman Brower moved to adjourn at 9:37 PM. Committeeman Sullivan seconded the motion, and it carried unanimously.

Gregory J. LaConte
Township Clerk