

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JUNE 26, 2014**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:32 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 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

Roll Call

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

Approval of Agenda

Committeewoman Abbott requested that a discussion item be added regarding a video surveillance policy.

The Township Clerk noted that this evening's updated agenda includes a resolution authorizing the renewal of a liquor license.

Reports

Committeewoman Abbott reported that Colony Pool attendance is approaching last year's numbers. The Colony Tennis team for teens will not be organized this year due to lack of interest. Committeewoman Abbott also asked if there needs to be an ordinance to allow a discount for the entry fee when a birthday party is held at Colony Pool. Administrator Cicccone said that the fee ordinance already has language allowing him to offer such discounts.

Committeeman Gallop reported that the Open Space Committee intends to reinvestigate the possibility of trails on the Township owned portion of the Averett property. He also reported that the local police chiefs are going to meet with the County to discuss how the County's dispatch system is working. Furthermore, the Police Department will be sending out notices on road closures due to the sewer project. Committeeman Gallop also reported that National Night Out will be August 5th. Committeeman Brower raised concerns about the County Dispatch.

Committeeman Brower reported that the Jaycees presented \$500 to the Senior Center and \$500 to the Chatham Historical Society. He also reported that the air conditioning in the Senior Center is going to be repaired. Regarding COAH, Committeeman Brower said that perhaps Township Planner Frank Banisch should provide an update at some point.

Deputy Mayor Ritter reported that Mr. Salvas provided some metrics on traffic to the Township website. He also reported that things have been quiet regarding wildlife management.

Mayor Sullivan reported that the Jaycees recognized the John Taylor Babbitt Foundation as Volunteers of the Year.

Reports by Subcommittees

Chatham Joint Recreation Advisory Committee

The Annual Report of the Chatham Joint Recreation Advisory Committee was presented by Jim LeMon. The Recreation Committee has been moving further toward the club model for the organization of youth sports. Safety and protection are among the main themes of the Recreation Program, including background checks and AED training. The demand for participation is also growing, and enrollment in programs is increasing as well. Mr. LeMon also said that the Rec

Program has 14 field complexes, 4 of which have artificial turf. The Recreation Committee suggests that additional skills-based programs be developed. Mr. LeMon also addressed the need for children to take adequate time to heal from injuries before reengaging in sports. Committeeman Brower asked if wrestling would be added as a youth sport. Mr. LeMon said that John Nonnenmacher is heading up the effort to add a wrestling program. Mayor Sullivan noted that the Recreation Program is meeting the needs and demands of the various sports. He also said that the in-season sport should be a priority for field usage. Committeeman Gallop asked if the clubs are getting the services they need from the recreation directors. Mr. LeMon said that with the club model, the administration of individual sports is handled mostly by the clubs. The recreation directors still play an important role in settling field allocation disputes.

Library of the Chathams

Former Mayor Fred Pucci introduced Library Director Karen Brodsky. She provided copies of the Library's Annual Report. She also spoke about the Morris Automated Information Network (MAIN). Services have been reduced at the County level, which has reduced the availability of IT support to local libraries. The Library's costs will likely increase due to the County's funding cuts.

Administrative Reports

Township Engineer

Engineer Ruschke reported that a bid opening was held for both a crack sealing project and a micro-surfacing project. For the micro-surfacing, there was only one bid and it came in too high. Engineer Ruschke said that he will do an analysis on which roads might be better served by being treated with an overlay. Committeeman Brower noted that there are certain areas where micro-surfacing would not be effective but overlay would.

Engineer Ruschke also reported that the Shunpike Sidewalk Project is ready to be put out to bid. He also noted that the sewer project is moving along. Deputy Mayor Ritter asked if the sewer project would affect the traffic light sensor at Buxton Road. Engineer Ruschke said that the sensor should not be affected.

Township Administrator

Administrator Ciccarone reported that applications have been submitted to Morris County for open space funds for both a section of Giralda Farms and a portion of the Dixiedale property.

Mayor Sullivan announced that there will be a Mayor's Walk on Saturday as part of the Mayor's Wellness Campaign.

Hearing of Citizens

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

Introduction of Ordinances

Ordinance 2014-11

ORDINANCE 2014-11
AN ORDINANCE AUTHORIZING THE SALE, IN FEE, OF LOT 38 IN BLOCK 144 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM, AND A TRAIL EASEMENT OVER AND ACROSS LOTS 19.01 AND 39 IN BLOCK 144 TO THE COUNTY OF MORRIS C/O MORRIS COUNTY PARK COMMISSION AT A PRIVATE SALE FOR \$350,189.36

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

WHEREAS, the Township of Chatham owns Lot 38 in Block 144, as shown on the official Tax Map of the Township of Chatham, County of Morris, State of New Jersey, on Green Village Road ("Property"); and

WHEREAS, the Township also owns Lots 19.01 and 39 in Block 144, as shown on the official Tax Map of the Township of Chatham, County of Morris, State of New Jersey (“Trail Easement Property”); and

WHEREAS, the County of Morris, for park purposes, c/o the Morris County Park Commission, desires to acquire the Property in fee for park purposes, and to acquire a trail easement over and across the Trail Easement Property; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., governs the disposition of municipal land; and

WHEREAS, N.J.S.A. 40A:12-13.4 provides for the sale of unneeded municipal lands to the county at a private sale and for nominal consideration:

Notwithstanding any law to the contrary, when the governing body of a municipality determines that all or part of a tract of land, with or without improvements, owned by the municipality is not then needed for municipal purposes, it may, by ordinance, authorize a private sale and conveyance of the property, or any part thereof, to the county in which it is located, without compliance with any other law governing disposal of lands by municipalities, for a consideration which may be nominal, and containing a limitation that the lands or buildings shall be used only for public purposes of the county, and that if the lands or buildings are not used in accordance with the limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality.

; and

WHEREAS, the Township hereby determines that the Property, which property was acquired by the Township through an in rem tax foreclosure, is not needed for municipal purposes and that it is in the best interests of the residents of the Township to sell the Property to the County in fee at a private sale for \$350,189.36 for park purposes; and

WHEREAS, the use of the property by the County and Morris County Park Commission shall be for park purposes, including but not limited to: open space, passive recreation, active recreation and trails; and

WHEREAS, as part of the purchase price, the Township shall convey to the County an easement for trail purposes over and across the Trail Easement Property, which trail shall include both pervious and impervious trail construction over and across the Trail Easement Property to be constructed in character with the existing paved and equestrian trails of Loantaka Brook Preservation in the Township (“Trail Easement”); and

WHEREAS, the location and timing for construction of the trail shall be mutually agreed upon in writing by the Township and the Morris County Park Commission; and

WHEREAS, in the event that the property and Trail Easement are no longer used for these public purposes, title thereto shall revert to the Township without any entry or reentry made on the Property or Trail Easement on behalf of the Township.

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

1. That the Property is not needed for municipal purposes.
2. That the portion of the Trail Easement Property on which the Trail Easement is to be located is not needed for municipal purposes. However, the remainder of the Trail Easement Property continues to be needed for municipal purposes.
3. That the sale by the Township to the County of the Property and Trail Easement be at a private sale for the sum of \$350,189.36.
4. That the Mayor and Clerk are hereby authorized to sign a Contract for Sale of Real Estate for the sale of the Property and Trail Easement.
5. That the Mayor and Clerk are hereby authorized to sign a Deed for the Property and a Deed of Trail Easement in a form acceptable to the Township Administrator and Attorney.
6. That the Mayor, Administrator, Attorney and Clerk are hereby authorized to sign any other closing documents, including but not limited to a closing statement.
7. That this Ordinance takes effect according to law.

Committeewoman Abbott moved to introduce Ordinance 2014-11. Committeeman Brower seconded the motion.

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

Public Hearing on Ordinance 2014-11 will be scheduled for July 17, 2014.

Ordinance 2014-12

**ORDINANCE 2014-12
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING ASSIGNMENT OF CONSERVATION RESTRICTION FOR BLOCK
48.17, LOT 130.01, AND BLOCK 144, LOTS 19.01 AND 39, ON GREEN VILLAGE ROAD,
FROM THE NEW JERSEY CONSERVATION FOUNDATION**

WHEREAS, the Township of Chatham is the owner of premises known as Block 48.17 , Lot 130.01 and Block 144, Lots 19.01 and 39, on the Tax Map and located on Green Village Road (“the properties”), and has, as part of a transaction to acquire the properties under the State of New Jersey Green Acres Program, given a Deed of Conservation Easement dated August 13, 2002, to the New Jersey Conservation Foundation, which was recorded in the Morris County Clerk’s Office on September 17, 2002 in Deed Book 5702, page 120, et seq.; and

WHEREAS, the Township and the New Jersey Conservation Foundation intended that the acquisition of the properties was to be funded by the State Green Acres Program to the extent fully allowed by that program, but for the full funding to be achieved, it is necessary for the New Jersey Conservation Foundation to assign the Conservation Easement to the Township; and

WHEREAS, the New Jersey Conservation Foundation has agreed to and executed the assignment and forwarded the same to the Township, and the Township Committee wishes to authorize the Mayor and Clerk to execute the assignment of the conservation easement;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the above described assignment captioned “Assignment of Conservation Restriction” is hereby accepted and the Mayor and Clerk are hereby authorized to execute said assignment, in form attached hereto, and to record same with the Morris Count Clerk.

Administrator Ciccarone explained that the subject property was originally acquired by the Township with Green Acres funding. As part of the purchase, a conservation easement was deeded to the seller, which violates Green Acres rules. Adoption of this ordinance will remedy that, and will allow the Township to obtain the funds owed to the Township by Green Acres.

Committeeman Brower moved to introduce Ordinance 2014-12. Committeewoman Abbott seconded the motion.

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

Public Hearing on Ordinance 2014-12 will be scheduled for July 17, 2014.

Consent Agenda

**RESOLUTION 2014-134
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
ACKNOWLEDGING RECEIPT OF REPORTS**

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 – May
- Construction Official – May
- CFO – May
- Police Department – May

**RESOLUTION 2014-135
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MEETING MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on June 12, 2014.

**RESOLUTION 2014-136
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING EXECUTIVE SESSION MINUTES**

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 June 12, 2016.

**RESOLUTION 2014-137
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>
Ronald Gunn 41 Fairview Ave Madison, NJ 07940	EIF 11-8-4 28 Ormont Road	7761692867	\$400.00

**RESOLUTION 2014-138
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING SANITARY SEWER INSPECTION FEE**

WHEREAS, a fee was paid for a Sanitary Sewer Inspection and the inspection was not performed; and

WHEREAS, the Public Works Department has recommended that the inspection fee be refunded;

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

<u>NAME & ADDRESS</u>	<u>Property</u>	<u>AMOUNT</u>
Lydia Chambers 1 Longwood Ave Chatham, NJ 07928	1 Longwood Avenue	\$25.00

**RESOLUTION 2014-139
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
CERTIFYING REVIEW OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2014-140

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2014

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2014 has been made by Chattam Wine & Liquor LLC;

WHEREAS, the applicant has complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2014, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-006).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Regarding the certification of review of the 2013 Audit, Committeeman Brower said that it would be a good business practice to change auditors every few years. He also raised issue with a disclaimer contained within the Audit. Committeeman Gallop asked if the disclaimer is standard language. Attorney Cruz said that he would have to review audits from other firms to be sure, but as audits have to conform to State standards, they likely all have similar language. Administrator Ciccarone said that the disclaimer is standard language, and that it refers more to the fact that the audit is based on a sampling. He also explained that the resolution on the agenda certifies that the Township Committee members reviewed the audit, and it does not imply any particular opinions or agreement with the audit. Administrator Ciccarone also noted that the Township Committee is legally obliged to certify their review of the audit. Deputy Mayor Ritter asked if a forensic audit could be performed. Administrator Ciccarone said that such an audit could be done if the Township Committee so wishes. He also said that the Township’s financial management processes are dictated by the State.

Deputy Mayor Ritter moved to approve the Consent Agenda. Committeewoman Abbott seconded the motion.

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

Discussion

Election Day Holiday

Administrator Ciccarone said that Election Day is listed in the Personnel Manual as a holiday, and traditionally the Township's employees request to trade that holiday for a different day off. This year, the administrative staff has requested to trade Election Day for December 26th, as Christmas falls on a Thursday this year. Likewise, the Public Works Department has requested to trade Election Day for July 7th so as to create a four day weekend. The Township Committee consented to these requests.

Colony Pool Snack Bar Surveillance Camera

Committeewoman Abbott suggested that a policy be developed to govern security cameras at Township facilities, particularly Colony Pool. She would also like to see signs put up to warn people that surveillance cameras are in use. Attorney Cruz said that a policy would need to be narrow in scope, and not all municipal facilities should be treated in exactly the same way. For example, the Municipal Building would be treated differently from the Police Department or Colony Pool. Deputy Mayor Ritter asked if a policy was necessary. Administrator Ciccarone suggested that any policy be limited to a requirement for posting a sign at recreation facilities if a camera is installed. He also said that the snack bar vendor is willing to remove the surveillance camera that he installed. Committeeman Gallop said that snack bar vendors at Colony Pool should have a written contract, which could include provisions governing surveillance cameras. He also said that at public pools, there is still some expectation of privacy. Administrator Ciccarone reiterated that the vendor will take the camera down if the Township so desires, and a camera will be located within the snack bar which will only monitor the vendor's staff. Committeeman Brower said that it is a good business practice for business owners to monitor their staff. Consensus of the Township Committee was to ask the vendor to take down the surveillance camera that can pan to see the pool area and replace it with a fixed view camera within the snack bar.

Hearing of Citizens/Petitions

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

Executive Session

**RESOLUTION 2014-P-11
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**

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Property acquisition or investment options: Giralda Farms and Dixiedale Farm
 - b. Pending or anticipated litigation: Fechtner v. Township of Chatham-Challenge to Ordinance 2014-08.
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.

4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeeman Brower moved to pass Resolution 2014-P-11 to enter Executive Session at 10:16 PM. Deputy Mayor Ritter seconded the motion.

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

The Township Committee returned to public session at 11:00 PM, and the meeting was adjourned.

Gregory J. LaConte
Township Clerk