

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
January 22, 2015

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:35 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 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Roll Call

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

Approval of Agenda

The agenda was approved.

Resolution

RESOLUTION 2015-047
RESOLUTION OPPOSING NORMALIZING RELATIONS WITH THE
GOVERNMENT OF CUBA UNTIL CONVICTED FELON AND POLICE OFFICER
MURDERER JOANNE CHESIMARD IS EXTRADITED TO THE UNITED STATES OF
AMERICA

WHEREAS, the Township Committee of the Township of Chatham supports calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; and

WHEREAS, on May 2, 1973, Joanne Chesimard and two friends were stopped in their vehicle by New Jersey State Troopers James Harper and Werner Foerster on the New Jersey Turnpike; and

WHEREAS, while being questioned, Chesimard and the driver opened fire with automatic pistols striking Trooper Werner Foerster twice in the chest and Trooper James Harper in the left shoulder; and

WHEREAS, the suspects then turned Trooper Foerster's own weapon on him firing an additional two bullets into his head execution style; and

WHEREAS, this heinous and premeditated act resulted in the tragic death of New Jersey State Trooper Werner Foerster; and

WHEREAS, Trooper Foerster left behind a wife, Rose Foerster, and family; and

WHEREAS, in 1977, after a six week trial, a jury found Chesimard guilty of first-degree murder for the slaying of Trooper Foerster, a respected New Jersey State Trooper; and

WHEREAS, as a result of this conviction Chesimard was sentenced to life in a New Jersey State prison; and

WHEREAS, after escaping prison, Chesimard fled to Cuba for political asylum; and

WHEREAS, people in the State of New Jersey were shocked and outraged to see television interviews showing Chesimard living freely in Cuba, portraying herself as the victim and denying any crimes against Trooper Foerster.

BE IT RESOLVED, that the Township Committee of the Township of Chatham strongly urges the President and Congress of the United States of America to delay normalizing relations with the government of Cuba until such time as convicted felon and Joanne Chesimard is extradited to the United States.

Mayor Sullivan read aloud the above resolution, which will be voted upon in the Consent Agenda. He also expressed his support for the law enforcement community.

Police Department Report

Chief Hennelly said that with the addition of Officer Smedberg, the Chatham Township Police Department is now fully staffed. He also reported on the accreditation program, and explained the purposes of undergoing accreditation. Chief Hennelly also addressed Community Policing, as well as the ACT Now! alerts.

Oath of Office

Mayor Sullivan provided a brief biography for Matthew Smedberg.

The Oath of Office for Officer Smedberg was administered by Mayor Sullivan. Chief Hennelly presented Officer Smedberg with his badge.

The Township Committee took a recess at 7:48 PM.

The Township Committee resumed business at 8:15 PM.

Reports

Committeewoman Swartz reported that she attended a board meeting of the Senior Center, and they are pleased that visits to the Senior Center are up 10%. The Senior Center also has several upcoming events.

Committeeman Kelly reported that the Public Works Department was busy on Sunday morning due to icy road conditions. Committeeman Kelly also reported that the Community Garden still has plots available, and anyone wishing to sign up can contact the Township Clerk for a link to the application.

Committeeman Gallop reported that spring sports registration is underway for the Recreation Department. He also reported that 27 municipalities have passed resolutions opposing the Pilgrim Pipeline. The NJ State Assembly has also passed a resolution opposing the Pilgrim Pipeline, and an additional resolution is before the State Senate. Committeeman Gallop also reported that the School District of the Chathams will be televising their Board of Education meetings, and the Board will have a special meeting on January 28th at Chatham High School to discuss the upcoming referendum. Committeeman Gallop also reported that JCP&L has a new area manager for this area, and he suggested that he be invited to a Township Committee meeting. Administrator Ciccarone said that an invitation has already been extended, and they are working on scheduling.

Deputy Mayor Ritter reported that a newsletter was released. He also reported that the Township's Facebook page has over 520 Likes. Deputy Mayor Ritter also reported that the Police Department has made arrests in connection with some recent burglaries, and he commended Detective Hayworth for obtaining confessions. He also noted that the Department recently received letters commending Officer Sawyer and Officer LoPorto for their work. Deputy Mayor Ritter also noted that the Chatham Education Foundation is having their Taste of Chatham event in February.

Mayor Sullivan reported that the NJDOT Trust Fund has been suspended for the time being. The sewer project is also moving along.

Preliminary Budget Report

Administrator Ciccarone gave an anticipated timeline for the introduction and adoption of the 2015 Municipal Budget, and it is hoped that the budget can be introduced on February 26, 2015. He also discussed the appropriations cap and how it is calculated. The total allowable operating appropriations for the 2015 Budget is \$10,988,719.88, and there is also cap bank available. The proposed 2015 appropriations are an increase of \$47,815.00, which is an increase of 0.37%. Administrator Ciccarone also gave a breakdown of anticipated appropriations by department.

Committeeman Gallop asked where in the budget that cuts could be made of 10%. Administrator Ciccarone said that General Administration, Public Safety and Public Works are where cuts could be made. However, in order to do so, services would have to be reduced.

Administrator Ciccarone also reported on the levy cap. He also provided appropriation highlights for the 2015 budget. Administrator Ciccarone further discussed the capital requests spending plan. A key item in the capital plan is a request from the Green Village Fire Department for the purchase of a fire truck, and the requested contribution is \$1,000,000.00. The Library of the Chathams has also made a request for \$485,000.00 toward a capital improvement project. Other capital items include DPW equipment, police equipment, road improvements, building improvements, Senior Center improvements, fire department equipment, UST remediation, and Colony Pool improvements.

Committeewoman Swartz asked about the Library improvements. Administrator Ciccarone said that their building has had some flooding and roofing issues, and the requested funds would go toward fixing those issues. Deputy Mayor Ritter asked if conditions could be placed on the Library as to how much money they would need to raise for any projects. Administrator Ciccarone said that conditions could be discussed. He also said that the Library has deferred replacing a heating boiler until a future period. Regarding the request from the Green Village Fire Department, Administrator Ciccarone suggested that the Department be invited to make a presentation and answer any questions.

Hearing of Citizens/Petitions

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

Introduction of Ordinances

Ordinance 2015-01

ORDINANCE 2015-01 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO AMEND THE ANNUAL RENEWAL FEE FOR LIQUOR LICENSES

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 hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

1. **6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

| <i>Class of License</i> | <i>Annual Fee</i> | <i>Number</i> |
|-------------------------------------|-------------------|---------------|
| Plenary Retail Consumption License | \$2500.00 | 3 |
| Plenary Retail Distribution License | \$1088.00 | 2 |

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.

3. This ordinance shall take effect as provided by law.

The Township Clerk explained that a few years ago, when the Township Committee adopted an ordinance to allow for a third Plenary Retail Consumption License, the Committee also decided to move in the direction of raising the renewal fees to the maximum allowed by statute. The State allows for renewal fees to be raised by 20% from one year to the next to a maximum of \$2500.00. This ordinance raises the Plenary Retail Distribution License in the amount of 20%.

Administrator Ciccarone gave some background on why the Township Committee had decided to allow for the creation of a third Plenary Retail Consumption License. The Township Clerk described the two processes by which an additional license could actually be created.

Deputy Mayor Ritter moved to introduce Ordinance 2015-01. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-01 will be scheduled for February 12, 2015.

Ordinance 2015-02

ORDINANCE 2015-02
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL
EMPLOYEES BY THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE
OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

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

Section 1. All full time employees and elected public officials who receive compensation from the Township of Chatham are mandated to have direct deposit of their compensation as of March 1, 2015 in accordance with Chapter 28 P.L. 2013, as defined under N.J.S.A. 52:14-15f(b).

Section 2. Seasonal and temporary employees who are employed by the Township of Chatham are exempt from the direct deposit mandate.

Section 3. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Township of Chatham Administrator. Such requests will be presented to the Township Committee at the next regularly scheduled meeting of the Township Committee after the request is received by the Administrator. The Township Committee may grant such an exemption by Resolution and for good cause.

Section 4. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect after final passage, adoption and publication according to law.

Administrator Ciccarone said that the State allows municipalities to require employees to use direct deposit. He also said that most employees already do use direct deposit, and the ordinance would also exempt seasonal employees from the requirement.

Committeeman Kelly moved to introduce Ordinance 2015-02. Committeewoman Swartz seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-02 will be scheduled for February 12, 2015.

Ordinance 2015-03

**ORDINANCE 2015-03
AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR
COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE
TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY,
EFFECTIVE JANUARY 1, 2015**

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

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

| <u>Office or Position of Employment</u> | <u>Minimum</u> | <u>Maximum</u> |
|---|----------------|----------------|
| Member of Township Committee | 1,200 | 1,200 |
| Township Administrator | 85,000 | 178,000 |
| Township Clerk/Registrar | 40,000 | 75,000 |
| Deputy Clerk | 10,000 | 50,000 |
| Secretary Bd. Of Health | 4,500 | 10,000 |
| Chief Financial Officer/Treasurer | 3,000 | 25,000 |
| Assistant Treasurer/HR Assistant | 3,000 | 25,000 |
| Administrative Assistant | 26,000 | 87,000 |
| Accounting Clerk | 24,000 | 55,000 |
| Receptionist or Clerk Typist | 22,000 | 50,000 |
| Secretary | 24,000 | 45,000 |
| Chief of Police | 125,000 | 141,000 |
| Emergency Management Coordinator | 2,500 | 6,000 |
| Public Works Manager | 65,000 | 135,000 |
| Director Water Pollution Control | 50,000 | 100,000 |
| Tax Collector/Utility Collector | 30,000 | 75,000 |
| Ass't. Tax & Utility Collector | 20,000 | 50,000 |
| Tax Assessor (Part-time) | 15,000 | 30,000 |
| Ass't. Assessor | 22,000 | 53,000 |
| Escrow Accounting Clerk | 3,500 | 5,000 |

| | | |
|--|-----------|----------|
| Director of Recreation and Colony Recreation Center | 30,000 | 60,000 |
| Board Manager Planning/Zoning | 5,000 | 10,000 |
| Planning Board Secretary | \$250 per | meeting |
| Zoning Board Secretary | \$250 per | meeting |
| Secretary Environmental Commission | 500 | 1,500 |
| Construction Office Control Person | 25,000 | 64,000 |
| Construction Official/Building Sub-code Official/Inspector | 50,000 | 89,000 |
| Zoning officer/Deputy Zoning Officer (PT) | 2,500 | 15,000 |
| Fire Sub-code Official/Inspector | 10,000 | 19,000 |
| Fire Prevention Official/Inspector | 10,000 | 19,000 |
| Dog Licensing Clerk | 2,000 | 4,000 |
| Governmental Access TV/Community Bulletin Board Manager | 5,000 | 11,000 |
| Seasonal and Hourly Positions | | |
| Pool Manager | 10,000 | 23,000 |
| Assistant Pool Manager | 4,600 | 14,000 |
| Snack Bar Manager | 4,600 | 12,000 |
| Playground Director | 3,000 | 7,000 |
| Swim Team Coach | 1,400 | 3,000 |
| Swim Team Ass't. Coach | 500 | 1,000 |
| Lifeguards | 7.15 HR | 18.00 HR |
| Gate Attendants | 6.50 HR | 15.00 HR |
| Recreation Aide | 6.50 HR | 15.00 HR |
| Laborer | 7.15 HR | 15.00 HR |
| Crossing Guards | 7.50 HR | 30.00 HR |
| Clerk Typist PT | 7.50 HR | 15.00 HR |
| Building Inspector | 25.00 HR | 42.00 HR |
| Plumbing Sub-code Official/Inspector | 25.00 HR | 42.00 HR |
| Electrical Sub-code Official | 25.00 HR | 42.00 HR |

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

Section 3. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 4. Salaries provided herein shall be effective January 1, 2014, except where noted, for those employed with the Township as of the adoption date of the ordinance.

Section 5. When required by law, the Township shall pay at least the minimum wage established for the State of New Jersey.

Section 6. This ordinance shall take effect upon publication as provided by the law.

Administrator Ciccarone said that this ordinance sets the range for salaries, and a resolution at a later time will set the actual salaries.

Committeewoman Swartz moved to introduce Ordinance 2015-03. Deputy Mayor Ritter seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-03 will be scheduled for February 12, 2015.

Ordinance 2015-04

ORDINANCE 2015-04

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PARTIALLY VACATING A PORTION OF THE RIGHT OF WAY FOR LOANTAKA LANE NORTH SOLELY FOR ROAD PURPOSES

WHEREAS, a portion of the easterly end of the right of way for Loantaka Lane North adjacent to Block 141, Lot 3 in the Township of Chatham, County of Morris, State of New Jersey, has never been paved or used for road purposes and constitutes a paper street; and

WHEREAS, while this portion of Loantaka Lane North has not been used for road purposes; it has been used as a footpath and entrance to the Loantaka Brook Reservation, part of the Morris County Park Commission park system; and

WHEREAS, the Township has no need for this portion of Loantaka Lane North to be used for road purposes, but desires to retain the entire width and length of this portion of Loantaka Lane North for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation and it appearing that the public interest will be better served by vacating this portion of Loantaka Lane North right of way solely for road purposes; and

WHEREAS, the property owner of Block 141, Lot 3 in the Township of Chatham requested this vacation for road purposes only and agreed that continuing to use Loantaka Lane North as a footpath and entrance to Loantaka Brook Reservation was necessary and appropriate;

WHEREAS, the purpose of this Ordinance is to vacate this portion of Loantaka Lane North for road purposes and as a paper street so that Block 141, Lot 3 in the Township of Chatham is no longer considered a corner lot while retaining this portion of Loantaka Lane North for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation.

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

1. A portion of the easterly side of Loantaka Lane North right of way adjacent to Block 141, Lot 3 for an approximate distance of two hundred and ninety-three (293±') feet is solely vacated for road purposes, with the entire width and length of the right of way designated for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation.
2. All rights and privileges possessed by public utilities, as defined by N.J.S.A. 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 Loantaka Lane North are hereby expressly reserved from vacation.
3. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be

affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

4. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.
5. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
6. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.
7. This Ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Committeeman Kelly moved to introduce Ordinance 2015-04. Committeewoman Swartz seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-04 will be scheduled for February 12, 2015.

Ordinance 2015-05

ORDINANCE 2015-05
ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AMENDING CHAPTER XIX, TITLED “STREETS AND SIDEWALKS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO ADD A NEW SECTION 19-2, TITLED “RIGHTS OF WAY – MAILBOXES”

WHEREAS, the maintenance of the public Rights of Way is required for the safety of the general public; and

WHEREAS, the existing ordinances of the Township of Chatham do not regulate the placement of mailboxes in the Rights of Way; and

WHEREAS, it is advantageous to establish standards in Chapter XIX, Streets and Sidewalks, relating to the public use of the Rights of Way and to damage caused to residential rural delivery mailboxes located in the Rights of Way.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Chapter XIX, Streets and Sidewalks, of the Revised General Ordinances of the Township of Chatham is hereby amended to add the following Section 19-2 titled “Rights of Way – Mailboxes”:

Section 1. Mailboxes.

- A. Posts, stanchions or other support upon which mail-boxes are placed may be located in the Rights of Way in accordance with United States Post Office Regulations. Mailboxes which exceed United States Post Office Regulations are not a permitted structure and remain in the Rights of Way solely at the expense and liability of the abutting property owner.
- B. Should the Township, through its required maintenance activities, destroy a post and/or mailbox properly placed in the Rights of Way, the Township may reimburse the property owner the sum of Fifty (\$50.00) Dollars for parts and labor or replace and install the post and/or mailbox with one of the Township’s selection. The property owner shall notify the Township in writing whether the

property owner seeks payment of Fifty (\$50.00) Dollars or replacement as provided herein.

Section 2. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect after final passage, adoption and publication according to law.

Mayor Sullivan said that this ordinance addresses the responsibility of the Township to pay for repair of mailboxes in the right-of-way that are damaged during snow plowing. The Township Clerk said that \$50 limit is consistent with limitations adopted by neighboring municipalities. Committeeman Gallop asked about the standards set by the US Postal Service. Attorney Cruz said that the standards are available from the Postal Service, and the ordinance has a reference to the standards rather than listing them in case the standards change.

Committeeman Kelly moved to introduce Ordinance 2015-05. Committeewoman Swartz seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2015-05 will be scheduled for February 12, 2015.

Consent Agenda

RESOLUTION 2015-035

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 \$1,728,572.68 and the prior month's payroll of \$393,134.41 Current Fund, \$61,224.89 Sewer No. 1, \$4,122.89 Sewer No. 2, and \$20,307.20 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of January 2015, in the amount of \$2,828,281.01 be paid.

RESOLUTION 2015-036

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:

Construction Official – December
Tax Collector – December
CFO – December
Fire Official – October, November, December, 2014 Annual
Raffle Licenses – 4th Quarter
Vital Statistics – 4th Quarter
State Training Fees – 4th Quarter
Police Department – December

RESOLUTION 2015-037

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 January 6, 2015.

RESOLUTION 2015-038

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ADOPTING FUND BALANCE POLICY**

BE IT RESOLVED that the Township Committee of the Township of Chatham adopts the Fund Balance Policy annexed hereto.

**RESOLUTION 2015-039
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY
SPECIAL PERMIT FOR LIQUOR LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

| <u>Name of Organization</u> | <u>Dates of Social Affair</u> | <u>Place where Affair will be held</u> |
|------------------------------|-------------------------------|---|
| Chatham Education Foundation | February 27, 2015 | Fairmount Country Club 400 Southern Boulevard Chatham, NJ 07928 |

**RESOLUTION 2015-040
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> |
|--|-----------------|-------------------|---------------|
| Sanjiv Patel 2 Johnson Drive Chatham, NJ 07928 | ROI 13-38-44.01 | 7761693485 | \$488.88 |

**RESOLUTION 2015-041
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AMENDING RULES AND ORDER OF BUSINESS OF THE TOWNSHIP COMMITTEE**

WHEREAS, on January 6, 2015, the Township Committee of the Township of Chatham adopted Resolution 2015-003, titled "Resolution of the Township Committee of the Township of Chatham Adopting Rules and Order of Business of the Township Committee", otherwise known as the By-Laws; and

WHEREAS, the Township Committee of the Township of Chatham desires to clarify Article VIII, Code of Conduct, Section 3 of the By-Laws by repealing existing Section 3 and replacing Section 3 as follows:

Section 3. A member of the Township Committee who has a conflict of interest as defined by the Local Ethics Law, N.J.S.A. 40A:9-22.1, or the common law, shall not participate in the matter, including voting on or in the discussion of same as either a member of the Township Committee or the public, and shall step down from the dais and leave the room during the discussion.

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

- Article VIII, Code of Conduct, Section 3 of the By-Laws is repealed and replaced as described in this Resolution.
- The Clerk is hereby directed to insert new Section 3 in Article VIII, Code of Conduct, in the By-Laws and distribute to the Township Committee.
- This Resolution is intended to amend Resolution 2015-003 as described in this Resolution.

4. This Resolution shall take effect immediately.

**RESOLUTION 2015-042
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AMENDING TAX DUPLICATE**

WHEREAS, Cingular Wireless, now AT&T Mobility, maintained telecommunications equipment on a pad connected to antennas on an electric transmission line owned by Jersey Central Power & Light Co., in Block 62.09, Lot 2 Qualifier: Cell as shown on the Tax Map of the Township of Chatham, and commonly known as 661 Fairmount Avenue; and

WHEREAS, Cingular’s property was shown on the tax duplicate for 2013 and 2014 in error because Cingular removed its property prior to 2013; and

WHEREAS, the Township of Chatham Tax Assessor recommended that this error be corrected; and

WHEREAS, the Township Committee of the Township of Chatham desires to correct this error, pursuant to N.J.S.A. 54:4-54, and order that the tax duplicate be corrected for 2013 and 2014; and

WHEREAS, N.J.S.A. 54:4-54 requires that in the event real estate taxes were paid because of the error, that the real estate taxes be refunded; and

WHEREAS, because no real estate taxes were paid by AT&T for its property as a result of the error and no real estate taxes are due, the Township of Chatham Tax Collector is hereby authorized to remove this property from the Tax Sale List.

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

1. That the tax duplicate for 2013 and 2014 be corrected by the Tax Assessor as described in this Resolution.
2. That no real estate taxes are due for AT&T’s property for 2013 and 2014.
3. That the 2014 Tax Sale List be corrected by the Tax Collector as described in this Resolution.
4. That certified copies of this Resolution be forwarded to the Township Tax Assessor and Tax Collector.
5. This Resolution shall take effect immediately.

**RESOLUTION 2015-043
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> |
|--------------|------------|---|---------------|
| 34 | 22.08 | Michael J. & Maureen McNamara 1 Broadview Terrace Chatham, NJ 07928 Re: 12 Jodi Lane | \$7,242.00 |

**RESOLUTION 2015-045
RESOLUTION OF AGREEMENT FOR THE JOINT CHATHAM RECREATION PROGRAM
FOR CHATHAM BASEBALL, SOFTBALL, FOOTBALL, FIELD HOCKEY, SOCCER,
LACROSSE AND BASKETBALL CLUBS**

WHEREAS, Chatham Borough (the "Borough") and Chatham Township (the "Township") have sponsored joint sports programs through the Joint Recreation Advisory Committee (the "Joint Chatham Recreation Program") for over twenty years; and

WHEREAS, the not-for profit clubs identified below (collectively, the "Clubs") manage various sports programs for the Joint Chatham Recreation Program; and

WHEREAS, the Borough and the Township recognize that they will from time to time provide support and assistance to the Clubs through the Borough and Township's respective designees; and

WHEREAS, the Borough and Township recognize that municipal and/or the School District of the Chathams facilities are needed to support participation; and

WHEREAS, the Clubs shall pay the facility maintenance trust fee that is recommended annually by the Joint Recreation Advisory Committee and established by the Chatham Township Committee and Chatham Borough Council that is considered ordinary and commensurate with the fee charged to other sports for same. The fee shall be paid within thirty (30) days from the activity registration closing date. All monies shall be deposited in a dedicated recreation trust account to be held and maintained by the Borough; and

WHEREAS, the Clubs agree to and shall obtain and pay for insurance policy premiums that cover players, coaches and staff to include general liability, basic accident medical, catastrophic accident, directors' and officers' liability and excess liability in amounts satisfactory to the Borough and Township Administrators (limits not less than \$1,000,000 (one million dollars) and naming the Borough of Chatham and the Township of Chatham as additional insured parties); and

WHEREAS, the Clubs agree to indemnify, hold harmless and defend the Joint Recreation Advisory Committee, as well as the Borough, Township and School District of the Chathams, and their respective officials, employees, volunteers and agents, from any and all liabilities, claims, injuries (including death), losses or damages of whatever nature, arising out of or resulting from Club activities; and

WHEREAS, the Clubs shall be responsible for the collection of fees, purchase and issue of uniforms and equipment for all participants as well as the payment of officials and trainers; and

WHEREAS, the Clubs recognize that the Joint Recreation Advisory Committee, in consultation with the Borough, the Township and/or the School District of the Chatham, reserve the exclusive right to change the current facility use model in regards to access, time and/or location as needed; and

WHEREAS, the Clubs agree to maintain communication with the Joint Recreation Advisory Committee regarding program philosophy, annual fees and any changes/additions to the current program content; and

WHEREAS, the Clubs agree to adopt and follow the grievance procedure and Code of Conduct approved by the Joint Chatham Recreation Advisory Committee; and

WHEREAS, the Clubs agree to comply with the Joint Chatham Recreation Program's facility use policy, background check policy and procedures, and training certification (Rutgers S.A.F.E.T.Y. Clinic or evidence that of equivalent training); and

WHEREAS, the Clubs agree to provide the Borough and the Township, upon request, with the participants name and grade, parent names, addresses and e-mail addresses of all the seasonal participants to be used for Joint Chatham Recreation Program's purposes only; and

WHEREAS, non-resident participants will not be added to programs without first obtaining the approval of the Joint Recreation Advisory Committee; and

WHEREAS, the Clubs agree that the Joint Recreation Advisory Committee's designee(s) and liaison(s) shall be invited to attend the Clubs' board meetings; and

WHEREAS, when requested by the Joint Recreation Advisory Committee, a representative of the Clubs' board shall attend and participate in meetings of the Joint Chatham Recreation Advisory Committee as a non-voting member.

BE IT RESOLVED, by the Township Committee of the Township of Chatham that the above recitals are incorporated herein as though fully set forth; and

BE IT FURTHER RESOLVED, that the president of each of the Clubs, being authorized to sign on behalf of his/her respective Club, signs this Resolution and thereby agrees to all the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED, that failure to follow the terms and conditions set forth herein could necessitate that the use of the Borough, Township and School District of the Chathams facilities could give the club unequal footing within their typical in-season for play or events; and

BE IT FURTHER RESOLVED, that this resolution will be effective on the date that the Chatham Borough Council adopts a companion resolution.

RESOLUTION 2015-047

RESOLUTION OPPOSING NORMALIZING RELATIONS WITH THE GOVERNMENT OF CUBA UNTIL CONVICTED FELON AND POLICE OFFICER MURDERER JOANNE CHESIMARD IS EXTRADITED TO THE UNITED STATES OF AMERICA

WHEREAS, the Township Committee of the Township of Chatham supports calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; and

WHEREAS, on May 2, 1973, Joanne Chesimard and two friends were stopped in their vehicle by New Jersey State Troopers James Harper and Werner Foerster on the New Jersey Turnpike; and

WHEREAS, while being questioned, Chesimard and the driver opened fire with automatic pistols striking Trooper Werner Foerster twice in the chest and Trooper James Harper in the left shoulder; and

WHEREAS, the suspects then turned Trooper Foerster's own weapon on him firing an additional two bullets into his head execution style; and

WHEREAS, this heinous and premeditated act resulted in the tragic death of New Jersey State Trooper Werner Foerster; and

WHEREAS, Trooper Foerster left behind a wife, Rose Foerster, and family; and

WHEREAS, in 1977, after a six week trial, a jury found Chesimard guilty of first-degree murder for the slaying of Trooper Foerster, a respected New Jersey State Trooper; and

WHEREAS, as a result of this conviction Chesimard was sentenced to life in a New Jersey State prison; and

WHEREAS, after escaping prison, Chesimard fled to Cuba for political asylum; and

WHEREAS, people in the State of New Jersey were shocked and outraged to see television interviews showing Chesimard living freely in Cuba, portraying herself as the victim and denying any crimes against Trooper Foerster.

BE IT RESOLVED, that the Township Committee of the Township of Chatham strongly urges the President and Congress of the United States of America to delay normalizing relations with the government of Cuba until such time as convicted felon and Joanne Chesimard is extradited to the United States.

Committeeman Kelly asked if he should recuse himself from voting on Resolution 2015-044. Attorney Cruz said that he should, ergo it was pulled from the Consent Agenda for a separate vote.

Committeeman Kelly moved to approve the Consent Agenda. Committeewoman Swartz seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

RESOLUTION 2015-044
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPOINTING MEMBER TO THE CHATHAM TOWNSHIP
ENVIRONMENTAL COMMISSION

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Chatham Township Environmental Commission:

1. Maureen Kelly – Alternate #1 (2016)

Committeeman Kelly recused himself from discussion on this resolution.

Deputy Mayor Ritter moved to pass Resolution 2015-044. Committeeman Sullivan seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Recused; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

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

Executive Session

RESOLUTION 2015-P-01
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. Personnel – Potential New Hire for Public Works
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.

Deputy Mayor Ritter moved to pass Resolution 2015-P-01 to enter Executive Session at 9:29 PM. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Mayor Sullivan announced that the Township Committee would take formal action following Executive Session.

The Township Committee returned from Executive Session at 10:38 PM.

**RESOLUTION 2015-046
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPOINTING TADEUSZ HOPKINS TO THE PUBLIC WORKS
DEPARTMENT**

BE IT RESOLVED by the Township Committee of the Township of Chatham that Tadeusz Hopkins be hereby appointed to the Department of Public Works effective February 1, 2015 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #866 at a starting salary in accordance with Serviceman Grade III Step 1.

Committeewoman Swartz moved to pass Resolution 2015-046. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The meeting was adjourned at 10:39 PM.

Gregory J. LaConte
Township Clerk